

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Maria Marquez, §  
§  
*Plaintiff*, §  
§  
v. § Civil Action No. 3:21-cv-01847-C  
§  
Eldorado CW Investments, Ltd. §  
d/b/a The Car Wash Zone, and § JURY DEMAND  
ECWI, LLC, §  
§  
*Defendants.* §

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**APPENDIX IN SUPPORT OF PLAINTIFF MARIA MARQUEZ'S  
RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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Respectfully submitted,

*/s/ Amy Gibson*

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**CERTIFICATE OF SERVICE**

The undersigned certifies that, on October 31, 2022, she filed the foregoing *Appendix in Support of Plaintiff Maria Marquez's Response to Defendants' Motion for Summary Judgment* with the United States District Court for the Northern District of Texas through the CM/ECF system, such that Defendants should be served with a copy of the filed document as follows:

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Amy E. Gibson

# **Exhibit 1**

## **Declaration of Maria Marquez**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Maria Marquez, §  
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*Plaintiff*, §  
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Eldorado CW Investments, Ltd. §  
d/b/a The Car Wash Zone, and § JURY DEMAND  
ECWI, LLC, §  
§  
*Defendants.* §

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**DECLARATION OF MARIA MARQUEZ**

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1. My name is Maria Noris Marquez. The facts and statements that I make in this declaration are true and accurate to the best of my recollection. Unless otherwise stated or apparent from my testimony, I have personal knowledge of the facts and statements that I make in this declaration. I was informed that “personal knowledge” means that I personally witnessed or experienced something using one or more of my senses, like sight, hearing, smell, or touch. I was also informed that “personal knowledge” includes how I feel.
2. When I talk about accurate copies of photos or images in this declaration, I am talking about the photos or images without these things that an attorney might add: (1) letters and numbers at the bottom — what I am told are called “bates-labels,” (2) redactions, (3) highlighting, and (4) blue boxes around the photos or images. Unless otherwise stated or apparent from my testimony, any bates-labels, redactions, highlighting, or blue boxes were not part of the originals.
3. One of my attorneys added the captions and typeface in this declaration. The captions are not part of my testimony.

**Basics: car wash work location, age, sex, current field of work**

4. When I say *Car Wash Zone*, I mean The Car Wash Zone located at 6501 Eldorado Parkway in McKinney, Texas. I was 32 years old when I worked at Car Wash Zone. My birthdate is May 27, 1986. I am female and have always been female. I am currently 36 years old and work as an apprentice electrician under the guidance of someone with a higher license — a Journeyman Electrician License — mostly on commercial construction projects.

**Carmel Car Wash: Jorge Trejo's sexual harassment**

5. Right before working at Car Wash Zone, I work at the Carmel Car Wash location at Lemmon Avenue in Dallas, Texas. Jose Palacios, Jorge Trejo, and other people are working there at the same time I am.

6. While working at Carmel Car Wash, Jorge Trejo starts to sexually harass me with his gaze — his facial expressions show sexual desire in a way that grosses me out and scares me. For example, he licks his lips and then bites his bottom inner lip in a sexual way with his eyes fixated only on me. The look in his eyes and the way he smiles at me also show he is depraved and has sexual desire. His facial expressions directed at me are not friendly, joking, loving, or kind. His facial expressions directed at me are depraved, sexual, and scary.

7. While working at Carmel Car Wash, Jorge Trejo also asks me to go out with him. I am in the office waiting for Jose Palacios to put me to work, and I end up left alone in the office with Jorge. While we are alone, Jorge takes out a necklace that he has under his shirt. He shows me his necklace and tells me he will give me a much thicker necklace than this one and a bracelet much thicker than this one if I will go out with him, give him a chance. I tell him no, I will not go out with him, and do not disrespect me.

**Car Wash Zone: hiring me away from Carmel Car Wash**

8. Sometime after that at Carmel Car Wash, Jose Palacios shows up while I am washing things like towels. He lets me know he is there to say goodbye, he will no longer work there, and he will start on Monday at another car wash in McKinney, Texas. He says he will start it — the car wash — from the bottom, it is starting up and does not have many clients yet. He asks if I want to work with him to get the car wash up and running. He says that at first there will not be many tips for me, so he will pay me \$2 more per hour than I am currently earning. He says I will ultimately have more opportunities for tips since the car wash is located in a wealthy area.

9. I accept mainly because I can get away from Jorge Trejo and his harassment. That is not the only reason, but it is the main reason. In leaving Carmel Car Wash and going to work with Jose, I feel relief that Jorge Trejo's sexual harassment is not going to keep happening.

#### **Car Wash Zone: my job position, initial employment**

10. In late August 2018, I start work as an employee of Car Wash Zone. At the time, some employees are already working there. The job Car Wash Zone hires me to do is detailing cars. For example, I clean the carpets, seats, interior plastic, and sometimes dry and clean on the outside including the tires. The detailing work depends on what the customer wants, like whether the customer wants extra detailing work.

11. Everything starts well at the new job. On day one, Jose Palacios tells me he wants to pick this place up and do good work here. He thanks me for coming out to work with him. At some point, he had told me he tried to recruit others to come over with him — to this car wash in McKinney, Texas — but no one had accepted until me. He asks me to find others who might want to work there. I find Iris Argueta, who comes to work there. Over time after I start, more workers come.

#### **Car Wash Zone: nature of business, tips, male-centric culture**

12. During the time I work there, Car Wash Zone is a carwash business. Customers come to wash cars. One part of the business has an automatic drive-through carwash tunnel. The other part of the business provides car detailing services. Business really depends on what the customers want, like extra carwash features or extra detailing work.

13. During the time I work at Car Wash Zone, customers often tip me for detail work. The tips provide better stability than a job with comparable hourly rates but no tips. My hourly rate is \$12 per hour. So, even a small tip makes an important difference to employees like me who detail the cars.

14. During the time I work at Car Wash Zone, Jose Palacios is our general manager, and no manager is female. He has all the employees, including me, do extra things like cut the trees, cut the yard, and clean up the parking lot. But he only has the women clean the bathrooms, clean the office, clean the wash rags and towels, and fill up bottles with the liquids used on the cars. If he ever assigns these cleaning tasks to a man, I do not recall it. From what I see and experience, these kinds of cleaning tasks are for the women only.

### **Car Wash Zone: Spanish-speaking employees**

15. This paragraph covers the whole time I work at Car Wash Zone. It is based on what I see and experience. Car Wash Zone employees speak Spanish. For example, our general manager talks to the employees in Spanish. No one who works there speaks English, other than small things like saying *good morning* to a customer in English. I cannot speak English, other than small things like saying *thank you* to a customer in English. I cannot read English but am able to recognize things like the logo for Car Wash Zone. I am fluent in Spanish for speaking, hearing, reading, and writing.

### **Car Wash Zone: employees not provided or told of sexual harassment policy**

16. This paragraph covers the whole time I work at Car Wash Zone. It is based on what I see and experience. I never receive, see, or hear about any sexual harassment policy or sexual harassment poster. I never receive, see, or hear about any employee handbook or manual. I do not know that any sexual harassment policy, sexual harassment poster, employee handbook, or employees manual exists. I never see or hear about any other employee being provided or told about any sexual harassment policy, sexual harassment poster, employee handbook, or employee manual.

### **Car Wash Zone: no sexual harassment training**

17. This paragraph covers the whole time I work at Car Wash Zone. It is based on what I see and experience. There is no sexual harassment training provided to me or the other employees. I never attend, see, or hear about any meeting of any type to train or teach employees about sexual harassment.

18. I currently work as an apprentice electrician, mostly on commercial construction projects. In this work that was *after* Car Wash Zone, I receive some training on sexual harassment around the time of hire. Also, a general construction company — the one that hires smaller companies to do electric, painting, etc. — has *many* meetings and trainings on sexual harassment. These meetings and trainings on sexual harassment cover things like: what it is, that it is not allowed at this company, why it is unacceptable, how to prevent it, what to do if you see it, where to report it, and things like that. I attend those meetings and trainings as an employee of the electrical contractor that the general construction company hired. Car Wash Zone had nothing like any of that.

### **Car Wash Zone: onsite cameras and monitors**

19. During the time I work there, Car Wash Zone has a lot of cameras on the property. I see that. Because I clean the office, I also see the office has two computer screens that show images from the cameras. There is a third computer for work. I see that the camera images are real-time — recording what is happening in the moment. Here are some examples of where the cameras are: in front of the office, inside the office, in front of the automatic drive-through carwash tunnel, in the middle of that tunnel, at the exit of that tunnel, the areas where customers pay, the room where we eat, the car detailing area, the area where clients vacuum their cars, the client waiting room, and the washing area where bottles of cleaning liquids are replenished.

### **Car Wash Zone: Jorge Trejo starts work**

20. Not long after I start work at Car Wash Zone, Jorge Trejo and his stepdaughter Raquel start work there. I see that Jorge's job at the time involves acting as cashier taking pay from customers and directing customers entering the automatic carwash tunnel.

### **Car Wash Zone: Jorge Trejo, workplace sex talk**

21. During the workday at Car Wash Zone, Jorge Trejo openly discusses vulgar things — sex and how he personally positions women during sex — within hearing of me and other employees. This happens more than once while he is still doing cashier work. Here is one example. He talks about sexual positions and describes an airplane position, a helicopter position, and a tiger position. He says he lifted a woman with her legs open and let her fall on top of his straight penis just like the *capirucho* plays. A *capirucho* is a children's toy. The objective in play is to toss the top part up and have it land on the stick that is attached with a string to the top part. Here is a sample picture I found on the internet of the children's toy *capirucho*:



I am trying to focus on work and trying to ignore the sex conversation. But I cannot help but hear some of this. He is talking about things I have never heard of. I am so uncomfortable. This seems dirty to me.

### **Car Wash Zone: Jorge Trejo, initial sexual harassment**

22. Shortly after he starts work at Car Wash Zone, Jorge Trejo starts to sexually harass me. He tries to find me alone and tries to hug me when he gets a chance, though he is not successful. Here are some examples. He tries to hug me in the breakroom where we are eating, and I tell him directly, do not do that, I do not want you touching me. I leave the breakroom to get away from him. He tries to hug me when I am cleaning in the automatic carwash tunnel, and I tell him to stop, and I run out of the carwash tunnel to get away from him. He gets close enough to place his hands on my shoulders, but I push him off while he insists that I give him a hug. This is persistent — him stalking me around the workplace and trying to hug me.

23. I know there are friendly hugs. But Jorge Trejo is not trying for a friendly hug. He is not trying for a hug that is friendly, joking, loving, or kind. Knowing him — seeing his conduct toward me that was depraved, sexual, and scary starting at Carmel Car Wash, hearing him talk about sexual positions, and knowing that he offered me jewelry and money to go out with him — I realize he just wants to touch and feel my body in a sexual way, an intimate way.

24. I try to handle this to make it stop. Here are some examples. I try to avoid him. I always reject his advances. I push his arms away. I tell him not to touch me, he should not be touching me. I try to stand behind Raquel.

25. He also offers to give me money in exchange for going out with him. He says if I am with him, I will not have these problems, I will have money. He lets me know if I go out with him, I will not have any need for money anymore. I tell him no.

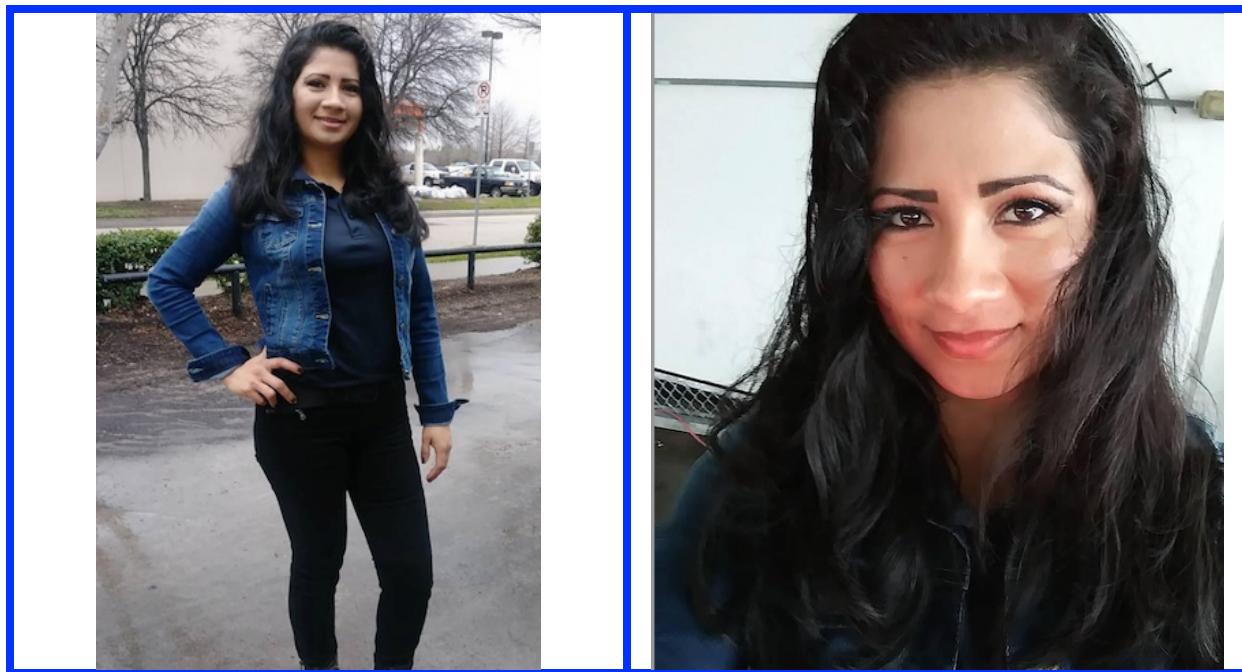
26. He also continues to gaze at me in a way that shows sexual desire. He continues to lick his lips and then bite his bottom inner lip in a sexual way with his eyes fixated only on me. The look in his eyes and the way he smiles at me also continue to show he is depraved and has sexual desire. He also stares at my buttocks and vaginal area. I try to wear loose bottoms, but he does not stop. He makes me feel exposed even though I am fully clothed. His facial expressions directed at me are not friendly, joking, loving, or kind. His facial expressions directed at me continue to be depraved, sexual, and scary.

**Car Wash Zone: Jorge Trejo as heavy, gang member, dangerous**

27. During the time I work at Car Wash Zone, I see that Jorge Trejo has a lot of tattoos and is heavier than me. He is not that tall, but he is thick with a very large stomach — *gordo* in Spanish. I am about 5 feet, 4 inches tall. I currently weigh about 165 pounds, but I weigh less during the time I work at Car Wash Zone.

28. For comparison, here are pictures of Jorge Trejo and pictures of me. The pictures of him approximate what he looks like when I work at Car Wash Zone. I recognize the pictures of him from his Facebook profile page. I am not Facebook friends with Jorge Trejo. I have never been Facebook friends with him. To verify that these pictures are on his Facebook profile page, I recently logged into Facebook, went to his Facebook profile, recognized his name and what he looks like, and viewed these pictures, and others, in his Facebook timeline or photos. The pictures of me are on the next page and are both dated February 28, 2018. I understand all the pictures are cropped. But what they show is accurate.



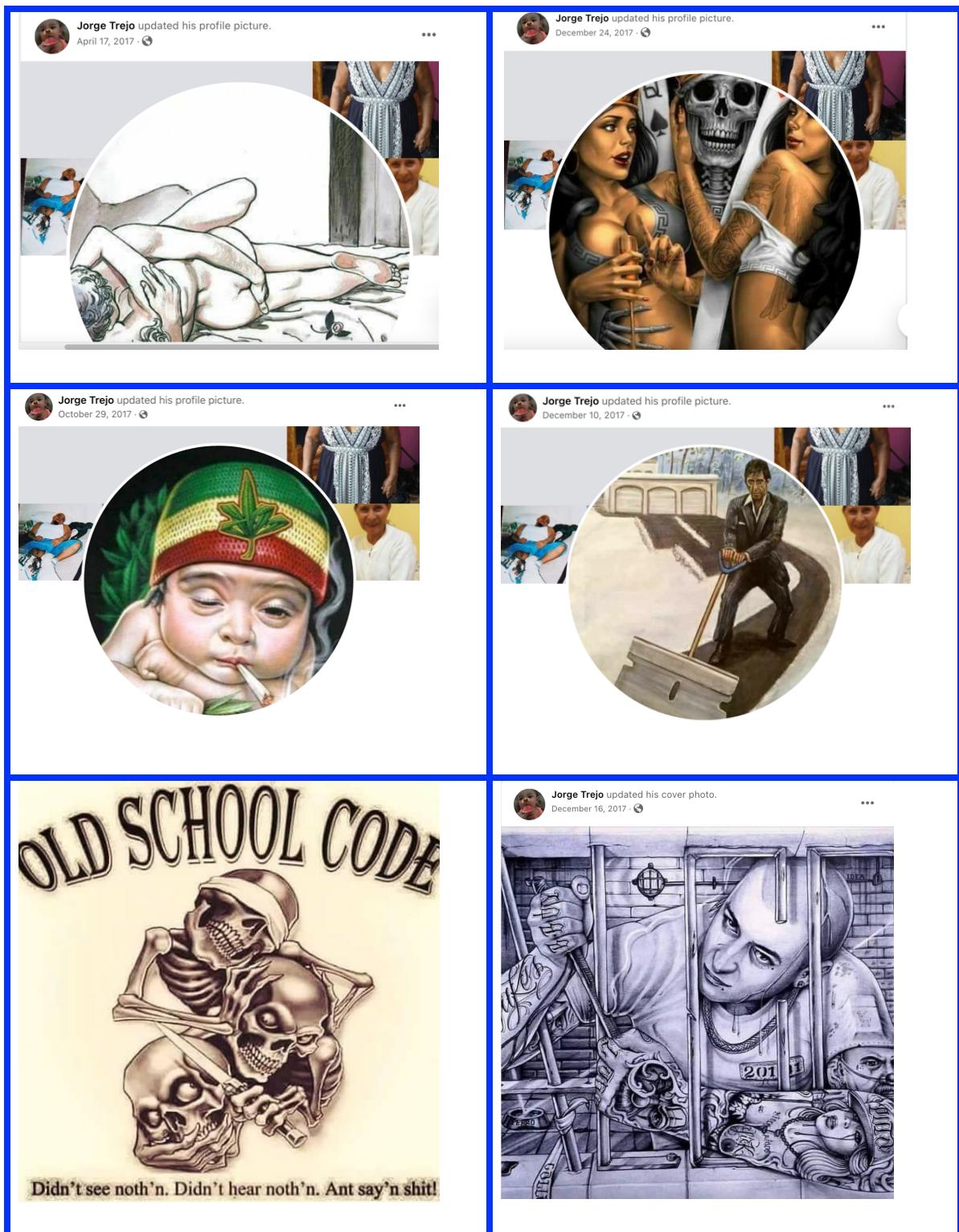


29. During the time I work at Car Wash Zone, Raquel and I often work together in car detail. Raquel tells me that Jorge Trejo is her stepfather and she lives in the same home as him. She says he convinced her mother to marry him even though he and her mother are cousins. Raquel tells me in confidence that he was once part of a gang in El Salvador and emphasizes that he was one of the bad ones, one of the dangerous ones, within the gang. She says he is a very dangerous person.

30. When Raquel tells me these things about her stepfather Jorge Trejo, I notice that she is scared of him. She is sad with teary eyes. She also *tells* me she fears him because he was a gang member in El Salvador and because he mistreats her even though they are family. But she says she is reliant on him because he pays the rent.

31. Raquel tells me about these things during work while I am still working at Car Wash Zone. I do not recall if she tells me about these things before or after Car Wash Zone promotes Jorge Trejo to supervise us.

32. I recognize the pictures on the next page from Jorge Trejo's Facebook profile page, though I cannot read the English above the pictures. I am not Facebook friends with Jorge Trejo. I have never been Facebook friends with him. To verify that these pictures are on his Facebook profile page, I recently logged into Facebook, went to his Facebook profile, recognized his name and what he looks like, and viewed these pictures, and others, in his Facebook timeline or photos.



These pictures match Jorge Trejo's personality — the way he acted and came across to me while I worked at Car Wash Zone. But I did not see these pictures while I worked at Car Wash Zone. These pictures are open to anyone who can log into Facebook.

**Car Wash Zone: Jorge Trejo's promotion to manager, fill-in for general manager**

33. In early October 2018, our general manager Jose Palacios introduces Jorge Trejo to employees as the line and detail manager to oversee car detail employees. "Line" management is accommodating the cars — telling customers where they can park for detailing.

34. At the same time, general manager Jose Palacios also lets us know Jorge Trejo is training to take over as general manager of Car Wash Zone. Jose explains that he plans to open another car wash location and wants to open as many car wash locations as he can for the company. Jose tells us he will be gone more often because he will be out looking for good places for future locations of Car Wash Zone. Around this time and after, Jose is gone more often. When Jose is gone, he leaves Jorge Trejo in charge. So practically speaking, Jorge Trejo is the general manager when Jose is gone.

**Car Wash Zone: Jorge Trejo as manager, escalating sexual harassment**

35. Once Jorge Trejo is manager over the car detail employees at Car Wash Zone, the sexual harassment gets worse. Now, he is regularly in my work area because this is his area to supervise. He sees me more often. He has more opportunities to sexually harass me. And he takes advantage of those opportunities. He sexually harasses me more often. And now, he has power over me as supervisor. He also continues the practice of sending only the women to clean the bathrooms, the office, the wash rags and towels. But he does this more often — sends the women to clean more often.

36. As manager over the car detail part of the business where I work, Jorge Trejo tries to hug me more often. He tries this from in front of me. He tries this from behind me. He is not successful. I continue to reject his advances and get away from him. But it is really scary when he approaches me silently from behind so that I cannot tell he is coming. As if he wants to ambush me. I am frightened and anxious over him sneaking up behind me. My brain and body are on persistent alert about him coming up behind me or doing something that I am not expecting.

37. Again, I know there are friendly hugs. But again, Jorge Trejo is not trying for a friendly hug. He is not trying for a hug that is friendly, joking, loving, or kind. Knowing him — seeing his conduct toward me that was depraved, sexual, and scary starting at Carmel Car Wash and continuing at Car Wash Zone, hearing him talk about sexual positions, and knowing that he offered me jewelry and money to go out with him — I know he just wants to touch and feel my body in a sexual way, an intimate way.

38. As manager over the car detail part of the business where I work, Jorge Trejo more often gazes at me in a way that shows sexual desire. He continues to lick his lips and then bite his bottom inner lip in a sexual way with his eyes fixated only on me. The look in his eyes and the way he smiles at me also continue to show he is depraved and has sexual desire. He also stares more often at my buttocks and vaginal area. Again, I try to wear loose bottoms, but he does not care. Again, he makes me feel exposed even though I am fully clothed. His facial expressions directed at me are not friendly, joking, loving, or kind. His facial expressions directed at me continue to be depraved, sexual, and scary.

39. I again try to handle this. Here are some examples. Sometimes I sense his presence behind me and so am able to get away. Sometimes I see him coming and am able to get away. Sometimes Raquel warns me when he tries to get in my space, so I am able to get away. Sometimes I try to hide behind Raquel. Other times I push him off or tell him things like I do not want to give you a hug, or get away from me, or do not touch me. I always reject his advances.

40. Jorge Trejo then escalates the sexual harassment. He twice tries to bring my attention to his erect penis while making a sexual comment. This is what happens. It is a busy day. I am bending down vacuuming a small car in the detail area. Raquel is also helping to clean this car, but she is working toward the front of the car.

41. This time, I do not sense Jorge Trejo behind me or hear him approach from behind. There is vacuum noise and I am bending down. But then I hear him say my name and say something like, *mire como me tienes* — *look at how you have me*. I stop vacuuming, stand up, and turn around to look at him. I see he is close to me and displaying his erect penis beneath his clothes. He is wearing loose bottoms with a thinner fabric, so his erection is very visible to me.

42. Then Jorge Trejo tries to make his erect penis even more visible to me. He glares his eyes down toward his erection, pushes his pelvis forward to show his erection even more through the thinner material, and says something similar, like *mire como me pones* — *look how you put me*.

43. I raise my voice and tell him to get away, get out of here, leave me alone. I run toward Raquel. I tell Raquel something like, look how he is, look how he looks. I ask Raquel to do something. Raquel tells him something like, leave her alone, go away. Jorge is smiling in a psychotic sort of way. He appears humored that he makes me so anxious and upset and that he makes me scramble to get away from him.

44. This happens about a week before my last day working at Car Wash Zone. I do not recall Jorge Trejo's exact words each time he tries to direct my attention to his erection or which sexual comment comes first. But each time he says something similar to *mire como me tienes* or *mire como me pones*. This incident happens once on one day but involves Jorge Trejo twice directing me to his erection while making a sexual comment to me. I understand there is some confusion or miscommunication over how many times Jorge Trejo tries to direct my attention to his erect penis. I want to be clear: this incident happens once on one day but involves Jorge Trejo twice directing me to his erection while making a sexual comment to me.

#### **Car Wash Zone: sexual harassment frequency, effect on work environment**

45. By the end of the time I work at Car Wash Zone, there are about seven employees who work there, not counting Jose Palacios or Jorge Trejo. Most are male employees. From what I see and observe during my employment at Car Wash Zone, Jorge Trejo never treats any of the men the way he treats me in the ways I have described.

46. Once Jorge Trejo starts sexually harassing me at Car Wash Zone, I suffer some form of sexual harassment from him almost every day, up to a few times a day. The sexual harassment is frequent and happens over a short time of less than two months. It gets worse and escalates after Car Wash Zone announces Jorge Trejo as the manager over car detailing and the person who will be the next general manager.

47. The sexual harassment is disgusting. Jorge Trejo acts like a sexually depraved psychopath toward me. The sexual harassment prevents me from working in peace to focus on my job. When I am trying to escape from Jorge Trejo's sexual advances, get away from him, I cannot do my job at the same time. The sexual harassment causes me fear and anxiety at work. A lot of the work I do involves bending over and picking things up. I can feel his depraved looks at me, especially my body. I can feel that he only directs his sexual, depraved gazes at me. He stalks me and tries to silently approach me from behind. This is all scary due to everything I know and have heard about him, such as the way he has treated me, his talk about sexual positions, his prior gang membership, him being one of the dangerous ones in the gang, his stepdaughters fear of him.

48. My brain and body are on persistent high alert for him sneaking up behind me, sneaking up on me. That state of alert is exhausting and distracts me from focusing on work. I end up focusing on whether he is sneaking up on me, where he is, what he is doing, instead of being 100% focused on performance. After the incident when he displays his erect penis and lets me know that just my presence is responsible for his erection, I have even more trouble focusing on my performance at work.

### **Car Wash Zone: retaliation that is also continued harassment based on sex**

49. Jorge Trejo is never able to reach his objective with his sexual advances toward me. Shortly after the erection incident, he starts to treat me with such a hatred. He starts to punish me over his rejected sexual advances toward me. The Spanish phrase for this punishment, this retaliation, is *acoso laboral* — employment harassment. He also starts to treat Raquel, who stood up for me, worse than before. But most of his hatred is directed at me. Everything is personal for him with me now. The way he looks at me now shows a look full of anger, like he is not mentally well, like someone who could be abusive.

50. And Jorge Trejo does become more abusive and aggressive — a disgusting despot when it comes to how he treats me and Raquel. Here are some examples. He yells more aggressively at us when he tells us to do something, instead of respectfully telling us to do something. He denies us even short breaks of about 5 minutes.

51. During the time I work there, Car Wash Zone has a special machine to clean car seats and carpets. This machine shoots water, cleans, and vacuums at the same time. Car Wash Zone has two of these machines. They are different from the long blue vacuum cleaner hoses that look like this at Car Wash Zone, except I circled the hoses:



52. One day while Jorge Trejo is our supervisor and after the day he shows me his erection while making sexual comments, the special machines for cleaning car seats and carpets are not working. One is not working at all. The other is not working properly — it is shooting water but not vacuuming and so not cleaning anything. It is useless. So, Iris and I are using the long blue vacuum cleaner hoses to detail a car, with each of us on opposite sides of the car. Jorge Trejo comes over and starts yelling not to use those vacuums, to use the special machine. He is yelling about both of us but directing his yelling more to me. I say he wants us to clean the cars well and we cannot use the special machine because it is not working. He yells at me to use the special machine. This makes the work more difficult.

53. Not long after that, I am detailing cars. A truck pulls in for detail work, and I am about to start working on it. Jorge Trejo orders me to go clean the office — again. The office has already been cleaned earlier that day. I ask him to let me clean the truck first and earn the tip and then go clean the office again. He tells me to go clean the office now. I repeat my request. He tells me to go punch out on the computer and go home. I let him know I want to keep working. He lets me know if I choose to stay and work anyway, he will punch me out — clock me out — so I will not get paid for my work the rest of the day. I follow his order and go home early. This is around midday, so I will lose any tip on the truck and all pay and tips for the rest of the day.

#### **Car Wash Zone: report of sexual harassment, reasons for not reporting earlier**

54. This is the last straw for me — Jorge Trejo retaliating against me over rejection of his sexual advances, with acts that reduce my pay. Jose Palacios is not at Car Wash Zone that day. So I call Jose Palacios to report what is happening. He does not answer his phone. So I text him. He tells me to meet him the next day to discuss.

55. The next day is October 21, 2018. I meet with Jose Palacios. The discussion starts with what happened the day before. The discussion then gets into the history of sexual harassment starting at Carmel Car Wash, me leaving Carmel Car Wash to get away from the sexual harassment, and the continuing sexual harassment at Car Wash Zone, escalating to Jorge Trejo approaching me with an erect penis and saying things like *mire como me tienes* or *mire como me pones*. I am explaining why Jorge Trejo deprived me of tips, sent me to clean the office again, and sent me home early. I am explaining that Jorge Trejo treated me that way because I rejected his sexual advances.

56. One thing I regret is not recording that conversation with Jose Palacios. Because Jose laughs in my face. It is humiliating to have to tell him about my supervisor's erect penis and sexual comments to me. And when I tell Jose about that, he laughs at me. He mocks me. He does not take this seriously. He does not treat the sexual harassment with any importance.

57. During this discussion, Jose Palacios does not support me, does not tell me that they will keep me safe, and instead supports the harasser whose actions are one step away from rape. Jose lets me know he is not going to do anything about the sexual harassment. He is not going to do anything to solve the issue. He says he will not fire Jorge Trejo. He says he will talk to Jorge but that Jorge will continue to be in his manager position and I will continue to have to work under Jorge and take orders from Jorge. He says if I want to keep working at Car Wash Zone, it will have to be under Jorge's orders, and if I do not like that, then I am free to leave.

58. In this moment, I realize some of my fears have come true — no one believing me, no one taking me seriously, possibly losing my job. I think to myself, this is why I did not do this earlier. I believe what Jose Palacios tells me — that Car Wash Zone is not going to do anything about the sexual harassment, Jorge will continue to be in his manager position, and I will continue to have to work under Jorge and take orders from Jorge. I believe Jose Palacios when he says if I want to keep working at Car Wash Zone, it will have to be under Jorge's orders and, if I do not like that, I can leave.

59. I do not report earlier because I am scared. I fear no one will believe me. I fear no one will take me seriously. I fear possibly losing my job, my only income source. Those are not the only fears I had about reporting earlier, but those fears end up coming true. In the early part of the sexual harassment, I try to handle this on my own and hope the conduct will stop. Once Jorge Trejo becomes my supervisor, he is above me, and I am afraid of retaliation. I want to keep my job. I am also afraid of him for all the reasons I have already talked about. After the erection incident, he does start to retaliate in ways that cut my pay and put my job at risk. That is the last straw that causes me to report.

60. After I pursue a case against Car Wash Zone, I learn that Car Wash Zone claims it investigated and sides with Jorge Trejo, basically saying I am a liar, saying my claim has no merit, and taking no action. When I report the sexual harassment at Car Wash Zone, Jose Palacios does not say he will investigate. He does not say anyone will investigate. He does not ask me for evidence of the sexual harassment. He does not ask me to stay. He does not ask me to stay on staff and give him the opportunity to investigate. Again, he does not say any investigation will happen. What he tells me at the time shows the opposite.

#### **Car Wash Zone: Maria feels compelled to resign; no new job lined up**

61. Since Jose Palacios makes it clear that Car Wash Zone is not going to do anything about the sexual harassment — I can continue to work under the harasser's orders or leave —, it is time to leave the workplace. Jose's reaction to my report of sexual harassment tells me it is not okay to be in a workplace like this.

62. I learn the hard way that sometimes people only care about money, instead of the wellbeing of workers, especially women. The reaction to my report of sexual harassment is a humiliating betrayal, a disillusionment. I attempt to stop my supervisor's sexual harassment, and no one assists. Car Wash Zone obligates me to keep working under Jorge Trejo's orders if I want to keep working there.

63. I am scared for my life. I cannot continue being in a workplace so dangerous. The whole situation makes me feel unsafe. I have nightmares to this day. Car Wash Zone is not going to do anything about the sexual harassment. And Jose Palacios is going to *tell* Jorge Trejo that I have reported his sexual harassment. Car Wash Zone gives Jorge Trejo so much authority and power, and he abuses the workers and sexually harasses me, and I am scared for my life. What Jorge Trejo has done already — approaching me with his erection and making sexual comments to me — is one step away from rape.

64. Jorge Trejo also appears to me to be a person who is scary, dangerous, not nice, not trustworthy, and very abusive. I fear him for lots of reasons: his size, his history as a bad one and a dangerous one in a gang from El Salvador, how much even his own stepdaughter fears him, his conduct toward me that is like a sexually depraved psychopath, his abuse of his manager position, his attempts to silently approach me from behind, his approaching me with an erection while commenting that is what seeing me does to him.

65. Also, at this time of year in October, it is getting dark outside earlier. I sometimes have to work at Car Wash Zone until around 8 p.m. There are areas like the trash area where Jorge Trejo can get me alone while taking out the trash in the evening. He was angry before, and no telling how angry he will be when he learns I have reported his sexual harassment. The situation forces me to resign. I do not want to leave the company but feel I must leave to protect my health and my life. I am not going to wait for Jorge Trejo to escalate things more. I am not going to stay and have him abuse me more. I am not going to wait for him to rape me.

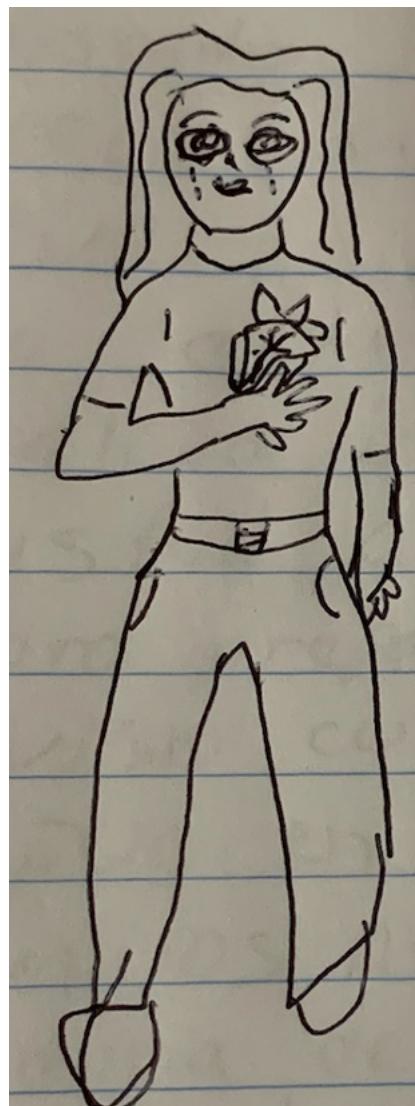
66. At the time, I do not have another job and do not have another job lined up. I have to search for employment, calling, contacting people. I eventually find a new job through a former coworker — a temporary construction cleanup job that will only last a short time. That is my first job after Car Wash Zone.

### **Examples of non-pecuniary harm**

67. I feel violated as a worker. I feel violated sexually. I feel helpless — after I report sexual harassment, Jose Palacios tells me nothing will happen, tells me If I do not want to work under Jorge Trejo's orders, I can just leave. I feel humiliated. I feel betrayed. I feel disillusioned. I feel beyond sad. I fear for my life. The victim should not be the one who has to leave the workplace to be safe.

68. It all happens close together and seems all at once to me — sexual harassment that escalates to approaching me with an erection and one step away from rape, retaliation toward me with such a hatred, having no support from Car Wash Zone, seeing that Jose Palacios only cares about making money, having no support from Jose Palacios, losing the job at Car Wash Zone, fearing for my health and my life.

69. In some ways, what hurts the most is the betrayal, the disillusionment. I support Jose Palacios in getting Car Wash Zone up and running before anyone else comes over. I work hard. I trust Jose Palacios. That trust is broken. I feel such sadness that my heart just feels broken. This is a picture I drew of how that feels:



What happened at Car Wash Zone causes me to cry a lot for a while. I do not let them see me cry at work. But whenever I think about it back then, I cry. Sometimes I cry in the day.

Sometimes I cry in the night. I go out for walks and take deep breaths to help stop the tears and try to improve emotionally.

70. The betrayal and lack of support from Car Wash Zone, plus the fear of Jorge Trejo, quickly causes sleeplessness. I do not get enough sleep, and it feels like I cannot sleep at all. Not long after the sleeplessness starts, the nightmares start. These nightmares are about a man chasing me with a machete or with a gun, and I fall in a deep end, and things like that. It feels like the man is about to slash me with the machete, someone is trying to slash me, running in fields chasing after me. Sometimes in these nightmares I am going into an abyss and falling into the abyss. I did not have these nightmares before the betrayal and fear for my life [from Jorge Trejo] at the end of my employment with Car Wash Zone.

71. Shortly after these nightmares start, sleepwalking starts. I wake up standing up. I am confused because this — sleepwalking — has never happened before in my life. For example, I remember waking up to find I am standing with my cars keys in my hands. I look at the clock and it is early in the morning around 3 a.m. In my nightmare that night, I have to get away and have to look for my keys and am looking through my home for the keys in my nightmare. Once I wake up with keys in my hands, I think *what is happening to me? Why am I doing this?* Since this has been happening, I feel like I am not normal. This has never happened before. It scares me.

72. The nightmares and sleepwalking are persistent. I do not have an exact number for the nightmares because some weeks are better than others, and I have improved over time. But even now, the nightmares and sleepwalking are prevalent in my life. And as a result, I do not get adequate rest. I feel uncomfortable going to sleep because I am not sure what will happen that night. Will the nightmares come tonight? Will the sleepwalking happen tonight?

73. These are just examples of the harm. Not everything.

#### **[After Car Wash Zone: fear of pursuing case and courage to move forward](#)**

74. After my work ends at Car Wash Zone, Raquel speaks with me one more time. In that conversation, Raquel tells me she will not be able to even speak with me. She says Jose Palacios and her stepfather Jorge Trejo told Car Wash Zone employees that no one should speak with me. She says she is nervous that her stepfather will do something bad if she continues to speak with me.

75. Raquel tells me she is scared to confront her stepfather Jorge Trejo or to make any declaration against him about any of the bad things he has done to her or to me. She says he is abusive to her. She is not specific about whether the abuse is physical or emotional, but I

understand the abuse to be both physical and emotional based on just how scared she is of him and the way she talks about it. I also saw that he was abusive to her in his role as supervisor at Car Wash Zone.

76. I also feel scared of Jorge Trejo and scared to move forward against Car Wash Zone. I am scared that he will retaliate in a way that physically harms someone, like me or his stepdaughter Raquel. I continue to have the nightmares. At one point, the fear is so strong that I think I will not pursue anything. But my concern about this happening to other people, other girls, other women, is what finally leads me to go ahead and pursue a case against Car Wash Zone.

#### **Car Wash Zone's false claim about screaming profanities**

77. After I pursue a case against Car Wash Zone, I learn that Car Wash Zone claims I screamed profanities at Jorge Trejo. That claim is not true. I did not scream profanities at Jorge Trejo. I have read the statement of Jorge Trejo that is in Spanish with "ELDORADO 000056" at the bottom. I am able to read Spanish. Nothing in that statement says I screamed profanities at him. Nothing in that statement says I screamed at all. Nothing in that statement says I used profanities at all. The Spanish language does have words that mean profanity, curse, or profane word. The statement does not have any of those words in it. The statement just says I "insult" him or "insulted" him.

**My name is Maria Noris Marquez. My date of birth is May 27, 1986. I declare under penalty of perjury that my testimony above is true and correct to the best of my recollection.**

Executed in Dallas County, Texas on October 31, 2022.



Maria Marquez

# **Exhibit 2**

## **Declaration of Miguel Rodas**

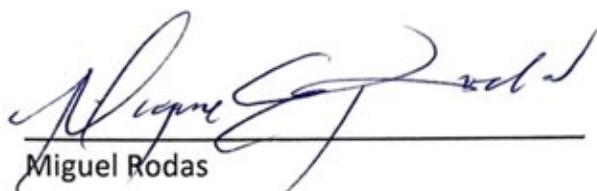
**DECLARATION OF MIGUEL RODAS**

1. My name is Miguel Rodas. I am over 18 years old. The facts and statements that I make in this declaration are true and accurate to the best of my recollection. Unless otherwise stated or apparent from my testimony, I have personal knowledge of the facts and statements that I make in this declaration. I was informed that “personal knowledge” means that I personally witnessed or experienced something using one or more of my senses, like sight, hearing, smell, or touch. I was also informed that “personal knowledge” includes how I feel.
2. I worked at the BMW of Dallas in 2018 as a Parts Director. In this role, I met and observed Maria Noris Marquez, who worked as a detail technician at our dealership through a third-party vendor.
3. Maria was a star worker. She worked harder than anyone in her department and probably the best worker we had working for us. She was always hustling, so much that she would be sweating from the time she started her shift until it was over.
4. Maria was not someone you could just find anywhere. Not only was her work ethic top notch, but she was smiling and friendly, which is how we expected our employees to interact with customers and other employees.

5. I never once witnessed Maria raise her voice at anyone at work or use profanities.

**My name is Miguel Rodas. I declare under penalty of perjury that my testimony above is true and correct to the best of my recollection.**

Executed in Dallas County, Texas on October 25, 2022.



Miguel Rodas

A handwritten signature in black ink, appearing to read "Miguel Rodas", is written over a horizontal line. Below the signature, the name "Miguel Rodas" is printed in a smaller, sans-serif font.

# **Exhibit 3**

## **Excerpts from Oral Deposition of Maria Marquez**

Maria Marquez - March 2, 2022

ORAL DEPOSITION OF  
MARIA MARQUEZ  
MARCH 2, 2022

17 ORAL DEPOSITION of MARIA MARQUEZ,  
18 produced as a witness at the instance of the  
19 Plaintiff, and duly sworn, was taken in the  
20 above-styled and numbered cause on the 2nd of March,  
21 2022, from 10:07 a.m. to 4:48 p.m., before Audra B.  
22 Paty, CSR in and for the State of Texas, reported by  
23 machine shorthand, in the City of Dallas, County of  
24 Dallas, State of Texas, pursuant to Notice and the  
25 Federal Rules of Civil Procedure.

Maria Marquez - March 2, 2022

1 A P P E A R A N C E S  
2

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ALSO PRESENT:

Ms. Myrna Ramirez, Interpreter

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	<b>Exhibit 6 - Maria Marquez's Objections and</b>	
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## 1 P R O C E E D I N G S

2 THE REPORTER: My name is Audra Paty, a  
3 Texas Certified Shorthand Reporter. I am reporting  
4 the deposition from Ovilla, Texas via stenographic  
5 means. The witness is located in Dallas, Texas. The  
6 witness will be sworn in remotely, pursuant to  
7 agreement of all parties. The parties stipulate that  
8 the testimony is being given as if the witness was  
9 sworn in person.

10 All parties please state their  
11 appearances and agreement on the record.

12 MS. GIBSON: Amy Gibson for plaintiff  
13 Maria Marquez. Also present is Shana Khader and  
14 Caitlin -- how do you say your last name, Caitlin?

15 MS. BOEHNE: Boehne.

16 MS. GIBSON: Boehne, B-O-E-H-N-E. And  
17 Khader is K-H-A-D-E-R. I guess you can see it on the  
18 screen. And then, Kristina, if you want to introduce  
19 yourself.

20 MS. PIERRE-LOUIS: Sure.

21 MS. GIBSON: Then we'll do --

22 MS. PIERRE-LOUIS: Oh, I just didn't know  
23 if you were done. I'm sorry, Amy. Good morning. My  
24 name is Kristina Pierre-Louis representing El Dorado  
25 CW Investments, LTD, d/b/a The Car Wash Zone and ECWI,

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1 LLC, the defendants in this lawsuit.

2 MS. GIBSON: The witness will read and  
3 sign on the transcripts and the parties have also  
10:08:29 4 agreed that for not just this deposition, but all  
5 depositions in this case objections to the form of the  
6 question will be limited to objection, form, unless  
7 the basis is requested. We're essentially going to  
8 follow the Texas rule on objections to the form of the  
9 question. Is that correct?

10 MS. PIERRE-LOUIS: That's correct.

11 MYRNA RAMIREZ,  
12 the interpreter hereinbefore named, was duly sworn to  
13 interpret from English into Spanish and Spanish into  
14 English the following proceedings:

15 MARIA MARQUEZ,

16 having been first duly sworn, testified as follows:

17 EXAMINATION

18 BY MS. PIERRE-LOUIS:

10:08:56 19 Q. Good morning, Maria. My name is Kristina  
20 Pierre-Louis.

21 A. Good morning.

22 Q. And I represent the defendants in this  
10:09:54 23 lawsuit.

24 A. Okay.

25 Q. I would like to start off with some questions

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1 about yourself. Can you please state your full name  
2 for the record?

3 A. Maria Noris Marquez.

4 Q. And how old are you, Maria?

5 A. 35 years old.

6 Q. And when is your date of birth?

7 A. May 27 of '86.

8 Q. And I know you stated previously, do you  
9 currently live in Dallas, Texas?

10 A. Yes.

11 Q. How long have you lived in Dallas?

12 A. Seven years.

13 Q. At your current residence, do you live with  
14 anyone?

15 MS. GIBSON: Don't -- okay. You can  
16 answer -- wait. Don't answer yet. I'm going to  
17 object and instruct the witness not to answer who  
18 lives with you, but you can answer whether or not  
19 anyone lives with you.

20 And this line of objections is based on  
21 issues that arise in this type of industry as well as  
22 others like processing plants or restaurants or  
23 housekeeping where certain questions directly or  
24 indirectly get at immigration status. And we're  
25 relying on a line of cases starting with 814 F.2d 168.

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1 Q. (BY MS. PIERRE-LOUIS) So can we talk about,  
2 when did you start working at The Car Wash Zone?

3 A. I started in August of 2018.

10:39:26 4 Q. Is it accurate to say that she started on or  
5 around August 23rd, 2018?

6 A. Yes.

7 Q. And how did it come that you were hired to  
8 work at The Car Wash Zone?

10:40:07 9 A. I was working at Carmel Car Wash and I knew  
10 Jose there and also Jorge. And Jose went to Car Wash  
11 Zone to work and he asked me if I would go with him to  
12 work there.

13 MS. PIERRE-LOUIS: Okay. Was she  
14 continuing her answer?

10:41:02 15 A. Jose said that we would both go to -- just  
16 the two of us to Car Wash Zone, and I thought it was  
17 okay to go with him because despite the fact that it  
18 was far away from home. I had already suffered from  
19 sexual harassment by Jorge at Carmel Car Wash. So I  
20 decided to go with Jose and go far away from Jorge.

10:41:27 21 Q. Okay. And when she references Jose, is she  
22 referring to Jose Palacios?

23 A. Yes.

24 Q. And Jorge, does that mean Jorge Trejo?

25 A. Yes.

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1 Q. And those two are the individuals involved in  
2 this lawsuit, correct?

10:42:03 3 A. Yes.

4 Q. Okay. So can we agree that when I say Jorge,  
5 I mean Jorge Trejo? When I say Jose, I'm referring to  
6 Jose Palacios?

10:42:31 7 A. Yes.

8 Q. Okay. What were you hired to do at The Car  
9 Wash Zone?

10 A. To clean the cars.

11 THE INTERPRETER: And the interpreter  
12 needs repetition of the word she used.

13 A. To do the detailing of the cars and cleaning  
14 the cars.

15 Q. (BY MS. PIERRE-LOUIS) Were there any other  
16 job duties?

10:43:15 17 A. To do maybe everything that is involved  
18 around cleaning a car.

19 Q. Okay. Did her job duties change -- sorry.  
10:43:28 20 Were her job duties changed from October 2018 to  
21 October of 2018?

22 A. No. No they did not change.

23 Q. And what was Jorge's role at The Car Wash  
24 Zone?

25 MS. GIBSON: Objection, form. You can

Maria Marquez - March 2, 2022

1 answer.

10:45:47 2 Q. (BY MS. PIERRE-LOUIS) I can ask it a  
3 different way. What was Jorge's job at The Car Wash  
4 Zone?5 MS. GIBSON: Sorry. Same objection.  
6 Kristina, it's just time frame was my form objection.7 MS. PIERRE-LOUIS: Well, obviously it  
8 would be during the time she worked there, but I can  
9 say it more specifically.

10 MS. GIBSON: Okay.

11 Q. (BY MS. PIERRE-LOUIS) During the time that  
12 you worked there, Maria, what was Jorge's role and/or  
13 job at The Car Wash Zone?

14 MS. GIBSON: Object to form.

15 You can answer.

16 A. He was hired -- I saw him working the cashier  
17 and selling or collecting money from the people who  
18 took their cars to wash. And after a few weeks he  
19 became head of my work area.20 Q. (BY MS. PIERRE-LOUIS) And by head of work  
21 area, do you mean manager?

22 A. Yes.

23 Q. And during your time working at The Car Wash  
24 Zone, how often did you interact with Jorge?

10:46:43 25 A. I didn't interact with him. He would take

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1 advantage of every opportunity, every moment to be  
2 near me. He would come close to my working area and  
10:46:59 3 hug me or try to hug me at all times at all parts of  
4 The Car Wash Zone, the tunnel of the car wash, the  
5 dining area. Where I was working he would come close  
6 and try to be around me. He was looking always at  
7 trying to be close to me.

8 Q. Were these interactions only in person?

10:47:35 9 A. Yes.

10 Q. You never -- sorry. Let me rephrase the  
11 question. Did you ever interact with Jorge over the  
12 phone?

13 A. No.

14 Q. Did you ever interact with Jorge via text  
10:47:55 15 message?

16 A. No.

17 Q. Did you ever interact with Jorge via e-mail?

18 A. No.

19 Q. And you also stated that you worked with Jose  
20 at The Car Wash Zone, correct?

10:48:32 21 A. Yes.

22 Q. And during your time working at The Car Wash  
23 Zone, what was Jose's position or title at The Car  
24 Wash Zone?

25 A. General manager.

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10:48:54 1 Q. How often did you interact with Jose?

10:49:31 2 A. Sometimes he will tell us, like, instruct us

3 what to do at the work area, but it was not that

4 often. He would go pass by the office and go leave

5 his work area and leave The Car Wash Zone.

6 Q. During her employment at The Car Wash Zone,

7 who made her -- who made your schedule?

10:50:04 8 A. Jose.

9 Q. And while you were working at The Car Wash

10 Zone other than Jose and Jorge, what other employees

11 did you work with?

10:50:42 12 A. With Santos, Brian, Iris, Raquel.

13 Q. And during your time at The Car Wash Zone,

14 how long was Jorge your manager?

10:51:02 15 A. For about two or three weeks. I don't

16 remember exactly how long.

17 Q. And your last day working at The Car Wash

18 Zone was October 21st, 2018, correct?

10:51:30 19 A. I think, yes. I'm not sure about the date.

20 Q. Can we say on or about October 21st, 2018 was

21 your last day at The Car Wash Zone?

22 A. Yes.

23 Q. I would like to move on to discuss the

24 harassment policy at The Car Wash Zone. And so I need

25 to share my screen so give me one second to do that.

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1 A. Okay.

10:52:47 2 MS. PIERRE-LOUIS: Is everyone able to  
3 see my screen right now?

4 MS. GIBSON: Yes, but it's small.

5 MS. PIERRE-LOUIS: Okay. Let me see if I  
10:52:58 6 can make it bigger. Is this better?

7 MS. GIBSON: Yes.

8 Q. (BY MS. PIERRE-LOUIS) Ms. Marquez, do you  
9 recognize this poster?

10 A. No.

11 Q. Do you understand that it was produced by  
12 your attorneys in this lawsuit?

13 MS. GIBSON: Object to form.

14 You can answer.

15 A. I did not understand the question.

16 Q. (BY MS. PIERRE-LOUIS) Do you understand that  
17 your attorneys provided me with the picture of this  
10:53:54 18 poster?

19 MS. GIBSON: Object to form.

20 You can answer.

21 A. I haven't seen that poster before maybe I did  
22 not pay attention to it because it's in English and I  
23 didn't know what it stated there.24 MS. PIERRE-LOUIS: Nonresponsive. That's  
25 not the question that I asked.

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1 MS. GIBSON: Okay. So, Kristina, please  
2 don't interrupt her. You can assert your objection  
3 when she's done.

4 A. At The Car Wash Zone, they do not have  
10:54:54 5 posters in Spanish because most of the people, we all  
6 speak Spanish, nobody speaks English, and they were --  
10:55:29 7 we were never trained on sexual harassment. Nobody  
8 was trained there on sexual harassment and to make it  
9 clear to employees that they should not harass anyone.

10 MS. PIERRE-LOUIS: I'm going to object as  
11 nonresponsive.

12 Q. (BY MS. PIERRE-LOUIS) Maria, that is not the  
13 question that I asked you. What I asked was, do you  
14 understand that your attorneys produced this photo of  
10:55:56 15 this poster that they state was hanging at The Car  
16 Wash Zone? What was the answer to that question?

17 MS. GIBSON: All right. Ask her and then  
18 I'll do my objection.

19 Object to the form of the question.

10:56:29 20 You can answer.

21 A. Okay.

22 Q. (BY MS. PIERRE-LOUIS) That is not -- it's a  
23 yes or no question. Okay doesn't mean -- that's not  
24 responsive to my question.

10:56:58 25 MS. GIBSON: And I'm going to object to

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1 you instructing our client that way. Although, you  
2 can assert your objections.

3 Is there a question on the table?

4 MS. PIERRE-LOUIS: She never answered the  
10:57:27 5 previous question that I stated that you objected to  
6 so we're still waiting for a response.

7 MS. GIBSON: Okay. Well, you might need  
8 to remind her what the question is then.

9 MS. PIERRE-LOUIS: Okay. I'll ask the  
10 question again, then, for the third time.

11 Q. (BY MS. PIERRE-LOUIS) Ms. Marquez, do you  
12 understand that this photo of this poster was produced  
13 by your attorneys?

14 MS. GIBSON: Objection, form.

10:57:55 15 You can answer.

16 A. I do not recognize that poster.

17 Q. (BY MS. PIERRE-LOUIS) Okay. So,  
18 Ms. Marquez, it's your position that your attorneys  
19 produced this poster that you have never seen before?

10:58:44 20 A. No, not at The Car Wash Zone.

21 Q. I would like to show another exhibit, the  
22 employee handbook that we produced in this lawsuit.

10:58:59 23 Ms. Marquez, do you recognize this employment  
24 handbook?

25 A. No.

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1 Q. Okay. Ms. Marquez, it's your position that  
2 you were -- you never saw the poster and that you  
10:59:23 3 never received the employee handbook; is that correct?

4 A. That employers -- employees manual, I never  
5 received one. That poster I saw, well, it has the  
6 logo of The Car Wash Zone just as all of our shirts,  
7 but I never even -- I didn't know that there was an  
11:00:16 8 employee's handbook.

9 Q. So, Ms. Marquez, it's your position -- sorry.  
10 Strike that. You claimed that you were never trained  
11 on sexual harassment at The Car Wash Zone, however,  
11:00:40 12 you did report harassment to your supervisor Jose; is  
13 that correct?

14 A. Yes.

15 Q. Ms. Marquez, and how did you know to report  
11:01:07 16 to Jose, report harassment to Jose?

17 A. Because those actions that Jorge did were --  
18 like there is no woman who would like to have someone  
19 touching you and trying to hug you or someone being  
20 behind a woman. In this case it was me with Jorge  
21 behind you was -- his thing is aroused and while I was  
22 cleaning the car and these are actions that are  
23 inappropriate. It is sexual harassment even though we  
11:02:28 24 didn't receive training on that, I know that is sexual  
11:02:32 25 harassment. I think this is something traumatic for a

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1 woman to have a guy behind you when you are bending  
2 down and he tell you see how you make me feel with his  
3 penis aroused. You could see that through his pants.

4 MS. PIERRE-LOUIS: Objection to --  
5 nonresponsive to all of that testimony. That's not  
6 the question that I asked, Ms. Marquez. I asked you  
11:03:28 7 how did you know to report the harassment that you  
8 allege to Jose.

9 MS. GIBSON: Object to form.

11:03:49 10 You can answer.

11 A. I know because -- I knew because I was going  
12 through a difficult situation. When he was raised or  
13 promoted to head of the area, he started reprimanding  
14 me and he was taking advantage of his position and  
15 then the situation got worse on sexual harassment. So  
11:04:59 16 it was a situation that was very difficult for me, and  
17 that's the reason why I reported him to Jorge -- I  
18 mean to Jose.

19 Q. (BY MS. PIERRE-LOUIS) I want to turn back to  
20 the employee handbook. And, Ms. Marquez, I know you  
21 state that you have never seen the employee handbook,  
22 but would you agree that it states if your immediate  
11:05:27 23 supervisor is part of the problem, go to the next  
24 level of management?

25 THE INTERPRETER: Counsel, can you tell

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1 me where you are stating that so I can read through it  
2 because it was a long sentence?

3 MS. PIERRE-LOUIS: Can you see where I'm  
4 pointing right here?

11:05:54 5 A. Okay.

6 Q. (BY MS. PIERRE-LOUIS) And that's what you  
7 did, correct, you went to your next level supervisor,  
8 you went to Jose?

9 A. Yes.

10 MS. GIBSON: Okay. I'm going to move on  
11 from the employee handbook. I'm going to stop sharing  
12 my screen.

13 (Exhibit No. 1 and 2 marked.)

14 THE REPORTER: This is the reporter. I  
15 just want to verify Exhibit 1 was the sign, the  
16 picture of the sign, and Exhibit 2 was the employee  
17 handbook, right?

18 MS. PIERRE-LOUIS: Yes, that's correct.

19 THE REPORTER: Thank you.

20 MS. GIBSON: Kristina, do you want to  
21 identify those by Bates?

22 11:06:58 MS. PIERRE-LOUIS: I don't know if I have  
23 the Bates number pulled up on this one.

24 MS. GIBSON: That's okay. That's okay if  
25 you don't.

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1 MS. PIERRE-LOUIS: Okay.

2 Q. (BY MS. PIERRE-LOUIS) I would like to move  
3 on from the harassment policies at Car Wash Zone.

4 **What was your work schedule during your  
11:07:17 5 employment at The Car Wash Zone?**

6 A. **From 9:00 or 10:00 in the morning to 7:00,  
7 8:00 in the afternoon. Sometimes I will leave work at  
11:08:14 8 6:00, sometimes at 8:00.**

9 Q. **And how many names a week did you work?**

10 A. **Six.**

11 Q. And who worked with you during your shifts  
12 typically?

13 A. **Raquel, Santos, Iris, Jorge, Brian every day.  
14 Sometimes Brian or Jorge will stay late till 8:00 to  
15 close and in other occasions Raquel and myself will  
16 stay until 8:00 together with Jorge Brian.**

17 Q. Was Brian another manager or what was his  
18 role?

19 A. Only an employee.

20 Q. An employee just like yourself, Ms. Marquez?

21 A. Yes.

22 Q. Who did you regularly communicate with at The  
11:09:33 23 Car Wash Zone?

24 MS. GIBSON: Object to form.

25 You can answer.

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1           A. Jose.

2           Q. (BY MS. PIERRE-LOUIS) Jose was the only  
3 person you spoke to while you worked there?

4           MS. GIBSON: Object to form.

5           You can answer.

11:10:17 6           A. I spoke -- when I asked -- I had a question  
7 about work related, I would ask Jose, but talk or ask  
8 about something else I would talk to those in my -- in  
11:10:28 9 the detailing zone, which would be Santos, Iris,  
10 Raquel, and myself.

11           Q. (BY MS. PIERRE-LOUIS) Did you ever socially  
12 interact with any Car Wash Zone employees?

11:11:21 13           A. We would say hi to each other in the  
14 mornings. Sometimes we would communicate to each  
11:11:28 15 other on how to do the job. In the detail section, it  
16 was Santos, Iris, Raquel and myself. Jorge and Brian,  
17 they were in a different area and that was before  
18 Jorge became the chief or head of area. And once he  
19 became the chief of area, then he would pass by my  
11:11:52 20 work area. They wouldn't let us be just doing nothing  
21 there. We would be sweeping the floor or doing  
22 something else, but they would not let us be there  
23 just talking.

24           Q. Did you ever socially interact with any of  
25 your coworkers outside of work?

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1 MS. PIERRE-LOUIS: Okay. I think it's  
2 time for another break.

3 MS. GIBSON: Okay. Are we off the  
4 record?

5 MS. PIERRE-LOUIS: Uh-huh.

6 (Recess 11:15 to 11:25.)

11:23:31 7 Q. (BY MS. PIERRE-LOUIS) Ms. Marquez, you first  
8 reported Jorge's harassment towards you to Jose on  
9 October 20th, 2018, correct?

10 A. Yes.

11:23:58 11 Q. Can you describe the harassment that you  
12 faced from Jorge?

13 MS. GIBSON: Object to form, but you can  
14 answer.

15 A. He is a person who has a very dirty mind and  
16 he's dangerous. I suffered harassment by Jorge when  
17 we wanted to hug me. Whenever I was alone or I was  
18 with Raquel, he tried to hug me. I would hide myself  
19 behind Raquel and I would tell her to stop -- make him  
20 stop and to tell him something. Whenever he saw that  
21 I was by myself, he would try to do that.

22 And then when he became manager, things  
23 got worse. And I would tell Raquel to make him stop,  
24 to make him go away from me because she is his family.  
25 She's his stepdaughter. So when he became a manager,

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1 things got worse. He would stand behind me when I was  
2 bending over cleaning the car and he would tell me  
3 look at me, look at me, and he had his penis hard.  
4 And he would tell me, look what you do to me. And it  
11:26:58 5 was just very disgusting. His penis was hard. You  
11:27:02 6 could see that through his pants.

7 He is a -- he has a twisted and very evil  
11:27:55 8 mind. He is violent. He's disgusting. He has no  
9 brains and the way he is acting like I would tell  
10 Raquel to ask him to go away, to stay away from me.  
11 Since she is family, she's his stepdaughter, but she's  
12 also afraid of him. And he is disgusting person. I  
13 think that he was even a gang member. So he has a  
14 very twisted and evil mind.

15 On one occasion, he was trying to hug me,  
16 and he is -- he offered me even a bracelet and a  
11:28:55 17 chain, a gold bracelet and chain. And he would even  
18 offer money to go out with him. He would offer money  
19 to go out with him. I think a person like that should  
20 not be credible, but up to now they still believe in  
11:29:28 21 him. It's a person who was a member, a gang member in  
22 El Salvador, he's dangerous, and he could do physical  
23 damage to somebody.

24 It's a person that even abused his own  
25 family. Raquel is afraid of him and also her mother.

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1 Her mother is Jorge's wife and they are cousins. They  
2 are family, but he -- even though they are family, he  
3 was with her. So it's a person who is very dangerous.  
11:30:56 4 I don't understand why they keep defending him with  
5 that background.

6 MS. PIERRE-LOUIS: I'm going to object to  
7 all the nonresponsive portions of that testimony.

8 Q. (BY MS. PIERRE-LOUIS) My question is limited  
9 to any harassment that Ms. Marquez suffered or alleged  
11:31:15 10 that she suffered at The Car Wash Zone.

11 MS. GIBSON: Object to form. Object to  
12 instructing the witness about whether that was  
13 responsive. The original question was very broad.

14 MS. PIERRE-LOUIS: I can object  
15 nonresponsive.

16 MS. GIBSON: You can. You just can't  
17 instruct her. The original -- I have more, but can  
18 you interpret that piece?

19 The original question was absolutely  
20 something very different and more broad.

11:32:26 21 You can answer.

22 A. What was the question?

11:32:28 23 Q. (BY MS. PIERRE-LOUIS) Question was, can she  
24 explain specifically the incidence of harassment that  
25 she alleges she suffered from Jorge at The Car Wash

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11:32:46 1 Zone while she was an employee?

2 MS. GIBSON: Objection, form.

3 You can answer.

11:34:46 4 A. Okay. This is not alleged harassment. This  
5 is the truth. This is what happened. These are the  
6 facts. It is my testimony and it is the truth. It is  
11:34:56 7 not alleged. It was harassment and Jorge tried to hug  
8 me all the time he had a chance to do so. He tried to  
9 hug me and touch me. I would just run away from him  
10 because I didn't want him to touch me. I was afraid  
11 of him. He was looking for an opportunity to hug me  
12 and once he offered me money to go out with him. He  
13 offered me a gold chain and bracelet. I rejected  
11:35:28 14 Jorge at all times and after that he would stand and  
15 would try to hug me. And even he was behind me and  
16 when I was working, I was cleaning a car. I was bent  
17 over and he was behind me with his hard penis and he  
18 would tell me turn around, look at me, see what you do  
11:35:56 19 to me. He had his penis hard and that he did on two  
20 occasions. The same thing, I was bending over. He  
21 was behind me with his penis hard, and he would tell  
22 me look at me, look at what he would do to me.  
23 Q. (BY MS. PIERRE-LOUIS) I would like to talk  
24 through.  
11:36:21 25 MS. GIBSON: I'm not sure she's done.

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1 MS. PIERRE-LOUIS: Oh, I'm going to  
2 object. She was done and I was asking my next  
3 question.

4 MS. GIBSON: No, no, the interpreter --

5 MS. PIERRE-LOUIS: She stopped.

6 Everybody stopped and then I started to ask my next  
7 question and then you said is she not done?

8 MS. GIBSON: I asked -- no, I said --

9 MS. PIERRE-LOUIS: So I'm going to move  
10 on with my question.

11 MS. GIBSON: No.

12 MS. PIERRE-LOUIS: You can object, but  
13 I'm moving on with my questioning.

14 MS. GIBSON: Okay. Let me --

15 MS. PIERRE-LOUIS: I'm moving on with the  
16 question.

17 MS. GIBSON: Kristina, let me object.

18 What I --

19 MS. PIERRE-LOUIS: You already objected.

20 MS. GIBSON: No, no, because you're  
21 cutting her off so let me --

22 MS. PIERRE-LOUIS: I did not cut her off.

23 She was done speaking and I was asking my next  
24 question. You cut me off.

25 MS. GIBSON: Can we get an answer?

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1 MS. PIERRE-LOUIS: She answered the  
2 question. She's already answered the question.

3 MS. GIBSON: You asked her a really broad  
4 question.

5 MS. PIERRE-LOUIS: No, I didn't.

6 MS. GIBSON: Kristina, may I please ask  
7 and get an answer whether she was finished her answer  
8 explaining?

9 MS. PIERRE-LOUIS: It's my deposition.  
10 You can cross-examine during your direct if you want  
11 to, but I'm moving on with the deposition. You're  
12 interrupting me.

13 MS. GIBSON: I'll take that as a no that  
14 you will not let me ask to make sure she was finished.

15 MS. PIERRE-LOUIS: No, because I was  
16 speaking.

17 MS. GIBSON: And I object to you cutting  
18 off the witness.

19 MS. PIERRE-LOUIS: I did not cut off the  
20 witness.

21 MS. GIBSON: Especially when we have to  
22 have an interpreter so she has to give some of her  
23 answers in Spanish. That is my objection.

24 MS. PIERRE-LOUIS: She did and then I  
25 started speaking. She did not continue to speak over

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1 me. So I'm going to move on with the deposition.

11:37:59 2 MS. GIBSON: She doesn't have to speak  
3 over you. She is being polite.

4 MS. PIERRE-LOUIS: That's the only time  
5 you have ever cut me off in speaking, so I'm just  
6 going to continue. The objection is on the record  
7 now.

8 Q. (BY MS. PIERRE-LOUIS) Okay. I would like to  
9 speak about each one of these instances that you  
10 testified to. First you stated that Jorge tried to  
11 hug you. When you say "tried," did he actually make  
11:38:28 12 physical contact or did he just attempt to hug you?

13 A. He put his arms around my shoulders. I went  
11:38:57 14 away and I pushed him to the back and I went away.

15 Q. And how many times did you testify that this  
16 happened, that he tried to hug you?

17 MS. GIBSON: Object to form.

11:39:15 18 You can answer.

19 A. It was more or less every day. It was five  
20 times a week, sometimes two times a day. He attempted  
21 to hug me, even three times a day, but when he put his  
22 arms around my shoulder, it was five times.

23 Q. (BY MS. PIERRE-LOUIS) And when --

11:40:04 24 MS. PIERRE-LOUIS: Did she have more to  
25 say then?

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1                   A. Yes. That time when he put his hands on my  
11:40:30 2 shoulders, it's because I hadn't seen him and I didn't  
3 expect him to touch me and he was trying to hug me.  
4 I'm sorry. Sometimes he would come from behind very  
5 silently so that I would not hear him. And while I  
11:41:00 6 was cleaning the tunnel of The Car Wash Zone with  
7 Raquel, he would show up just from behind.

8                   Q. (BY MS. PIERRE-LOUIS) And just so I  
9 understand your testimony correctly, you're saying  
10 that every day that you work with Jorge at The Car  
11 Wash Zone, he tried to hug you?

11:41:34 12                   A. Yes.

13                   Q. And did Jorge try to hug you before he was  
14 your manager?

15                   A. Yes.

16                   Q. And then he hugged you or tried to hug you  
17 after he became manager?

11:42:07 18                   A. Yes, and once he became a manager, he stood  
19 up behind me with his hard penis.

20                   Q. Okay. And this incident when he stood behind  
21 you with his penis -- erect penis, you stated that  
22 this happened two times, correct?

11:42:36 23                   A. Yes.

24                   Q. And then you mentioned that Jorge offered you  
25 a gold chain bracelet to go out with you; is that

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1 testified about regarding Jorge behavior, can you give  
11:49:00 2 me a day or time -- strike that. Let me answer the  
3 last question differently.

4 Can you provide dates or times that you  
5 11:49:18 6 allege that Jorge came up behind you with his erect  
penis the two times that you testified he did that?

7 A. I don't have an exact day. It was one week  
8 before the last day that I went to work. I don't know  
11:49:57 9 exactly about those two days, but it was more or less  
10 at that time.

11 Q. Did you tell -- strike that.

12 Before you spoke with Jose on October  
13 20th and 21st of 2018, did you let anybody else at The  
11:50:22 14 Car Wash Zone know about these incidents with Jorge.

15 A. Raquel saw it all. When Jorge was there with  
16 his penis erected then Raquel was there and he was  
17 talking dirty, disgusting, and to go away. And I told  
11:51:20 18 that to Raquel so Raquel saw that. Raquel was there.

19 Q. The first time that you told -- sorry.

20 Strike that.

21 It's correct that the first time you told  
22 management at The Car Wash Zone about Jorge's  
23 harassment towards you was on October 20th and 21st of  
24 2018, correct?

25 MS. GIBSON: Object to form.

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11:51:49 1 You can answer.

2 A. I told Jose all that Jorge was doing on that  
11:52:55 3 day to Jose Palacios. And when I told him that he was  
4 with his hard penis behind me he just laughed. And he  
5 didn't give any importance to it and he made fun of me  
6 and he said that he would talk to Jorge, but he would  
7 not remove him from his job. And if I wanted I could  
8 continue working there, but it would be under Jorge's  
9 orders and if not that I could leave.

11:53:29 10 MS. PIERRE-LOUIS: Object to the  
11 nonresponsive portions of that testimony.

12 Q. (BY MS. PIERRE-LOUIS) I'm going to share my  
13 screen. Give me one second to do that.

14 Okay. What's on the screen currently is  
15 the charge of discrimination that you filed with the  
16 EEOC. Can you see that?

11:54:12 17 A. Yes, but it's too small. I cannot read  
18 anything.

19 Q. Okay. I made it bigger.

20 A. Okay.

11:54:29 21 Q. So as you can see here it says, I declare  
22 under penalty of perjury that the above is true and  
23 correct?

24 A. Okay.

25 MS. GIBSON: You keep saying okay. Can

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1 meeting with him on October 21st, what did you tell  
11:59:52 2 Jose about Jorge's treatment towards you?

3 A. After that Jorge, when he became manager of  
4 my area, he harassed me twice. Two times with his  
12:01:28 5 hard penis and then after that -- after I always  
6 rejected him he started reprimanding me and he started  
7 hitting me and being against me, interfering with my  
8 job. One day I was cleaning and he just came and  
9 started yelling at me. He said not to use the vacuum  
10 cleaner and to use a different machine. So I told him  
11 that that was not good for the carpets, that's why we  
12:01:58 12 were not using it, but he said that we should use  
13 vacuum cleaner and not the other machine even though  
14 it was not working and he wanted us to do the job. He  
15 wanted us to do the job.

16 MS. KHADER: I believe she said the word  
17 "represalias" there that you interpreted as reprimand.  
18 Do you agree that retaliate is another accurate  
12:02:26 19 interpretation of that word?

20 THE INTERPRETER: Yes, yes, counsel that  
21 would be another word that we could use for that.

22 MS. KHADER: Okay. Thank you.

23 Q. (BY MS. PIERRE-LOUIS) I just want to make  
24 sure I understood the testimony correctly. Did you  
25 state that you told Jose that Jorge hit you?

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12:03:54 1 A. No. After I finish with that car, then  
2 another truck arrived and I was going to start drying  
3 it and Jorge wouldn't let me to do that because he  
12:03:57 4 didn't want me to get a tip. And what helped us were  
5 the tips and that was the agreement I had with Jose.  
6 So he would prevent me from getting tips on that  
7 truck. So he sent me to clean the offices even though  
8 we had already cleaned the offices in the morning.

9 And I told him -- I told him -- I asked  
10 him to let me clean that truck and then I would clean  
12:04:57 11 the offices and he said that, no, if I didn't want to  
12 do it right now, right away, that I could home. And I  
13 said why are you sending me home? And he said, if you  
14 don't want to do it I will punch you out of work and  
15 then you won't get paid the hours that you worked. So  
16 he sent me home and he was retaliating me.

17 MS. GIBSON: I'm going to object to the  
18 nonresponsive.

19 Q. (BY MS. PIERRE-LOUIS) That wasn't my  
20 question. My question was, I believe I heard the  
21 interpreter say that you testified that Mr. -- I'm  
22 sorry -- Jorge hit you. Is that correct or incorrect?

23 A. No.

24 MS. GIBSON: Object to form. Object to  
25 the instruction. She already answered it.

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1 THE INTERPRETER: Counsel, Kristina, if  
2 you could address to the witness herself because  
3 sometimes you address to me when I start the  
4 questions.

5 MS. PIERRE-LOUIS: I'm sorry.

6 THE INTERPRETER: Thank you.

7 MS. GIBSON: Kristina, also it's 12:06.  
8 Just whenever you get to a good stopping point if we  
9 could break for lunch.

10 MS. PIERRE-LOUIS: Sure. I have about  
11 five more minutes.

12 MS. GIBSON: Okay. Sure.

13 Q. (BY MS. PIERRE-LOUIS) I'll ask my question  
14 again. Did you testify just now that Jorge hit you  
15 while you were employed at The Car Wash Zone?

16 A. Jorge did not hit me. I just said that he  
17 had retaliated against me by not letting me get tips  
18 because that was the agreement I had with Jorge.

19 Q. Okay. When you say that Jorge retaliated  
20 against you by not giving you tips, how many times did  
21 this happen?

22 MS. GIBSON: Object to form.

12:08:09 23 You can answer.

24 A. On that day he just came to us and started  
25 yelling at us, humiliating us. It was myself and Iris

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1 who were both cleaning the cars. On that day, he  
2 wouldn't let me get tips and he sent me to clean the  
3 offices. He wouldn't let me do my job. He wouldn't  
4 let me do my job. He just wanted -- which would be  
5 cleaning cars. And because he knew we would get tips  
6 from that. So he just -- he didn't want me to get  
12:09:29 7 tips. So he just wanted me to be cleaning the  
8 offices. And on that day he sent me to clean the  
9 offices twice.

10 Q. (BY MS. PIERRE-LOUIS) And when you say on  
11 that day, do you just mean October 20th, 2018 or on or  
12 around that date?

13 A. Yes.

12:09:57 14 Q. Were there any other days that you alleged  
15 that Jorge retaliated against you?

12:10:47 16 A. It was like for three days that he would send  
17 us to do something. He would use like some words that  
12:10:56 18 are very strong, would talk strongly to us using the  
19 language that you should not use to employees and you  
20 should not treat people like that. We all deserve  
21 respect.

22 Q. It is your testimony that the only time he  
23 withheld tips from you was on October 20th, 2018?

12:11:39 24 A. Yes, that was the first time that happened.

25 MS. PIERRE-LOUIS: I think that's a good

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1 stopping point.

2 (Recess 12:11 to 1:00.)

3 Q. (BY MS. PIERRE-LOUIS) Ms. Marquez, I wanted  
4 to begin where we left off before lunch break. You  
13:00:58 5 testified that Jorge retaliated against you by  
6 withholding tips; is that correct?

7 A. Yes.

8 Q. And it's correct that this allegation  
9 occurred before you reported Jorge's behavior to Jose  
10 on October 20th, 2018, correct?

11 MS. GIBSON: Object to form, but you can  
12 answer.

13 A. It is not an allegation. It is the truth on  
14 how things happened.

15 MS. PIERRE-LOUIS: Objection to the  
16 nonresponsive. That was not my question.

17 Q. (BY MS. PIERRE-LOUIS) My question is, the  
18 retaliation that you claim of Jorge withholding tips  
19 you did not tell Jose about that until October 20th,  
13:02:27 20 2018; is that correct?

21 A. Yes. On that day, Jose was not at work so I  
22 texted him explaining everything that had happened,  
23 and he said that we would talk on the next day because  
13:03:20 24 he was not at work on that day.

25 Q. And your testimony is that on October 20th,

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1 2018 you called Jose or you texted Jose?

2 A. I texted him. I called him and he didn't  
3 pick up so I sent him texts.

4 Q. And those text messages, did you give those  
13:04:00 5 text messages to your attorneys?

6 A. No.

7 Q. All right. And then you allege that on  
8 October 21st, 2018 you met in person with Jose; is  
9 that correct?

10 A. Yes.

11 Q. And it was during this meeting that you told  
12 Jose about Jorge's behavior towards you, correct?

13 A. Yes.

14 Q. And the text message that you sent him on  
15 October 20th, what did that text message say?

16 A. It explained the whole situation, how this  
17 began, sexual harassment all of the times he hug me,  
18 the times when he would put his hands on my shoulder  
19 and when he was behind me with his erect penis and  
13:05:58 20 explaining the situation when he sent me home as well.

21 Q. Do you still have this text message that you  
22 sent to Jose?

23 A. No, I do not have them because I don't have  
24 my phone anymore, and I was not able to recover those  
13:06:26 25 text messages. I don't know if Jose still has them or

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1 not. I don't know.

2 MS. PIERRE-LOUIS: Objection to the  
3 nonresponsive portion.

4 Q. (BY MS. PIERRE-LOUIS) Okay. So after you  
5 sent the text message to Jose, it's correct that Jose  
6 told you to meet with him on October 21st, correct?

13:07:08 7 A. Yes, that is correct.

8 Q. And when you met with Jose in person on  
9 October 21st, did you tell him what -- the same thing  
10 that you told him in the text message or was there  
11 something different?

13:08:34 12 A. I explained everything that I said on the  
13 text messages, everything about the harassment from  
14 Jorge towards myself. The reason why he sent me home  
15 he was withholding tips and also the two occasions  
16 when he sent me to the clean the offices, the time  
17 when he was behind of me with his erect penis was on  
18 two occasions and when he said that, see what you do  
19 to me. And when I was saying all of this to Jose he  
20 just laughed and he said that he wouldn't do anything  
21 about it. That he would not remove Jorge from his job  
22 position and if I wanted to continue working, it had  
23 to be under Jorge's orders and if not I could just  
24 leave.

13:09:27 25 MS. PIERRE-LOUIS: I'm also going to

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1 object to the nonresponsive portions of that  
2 testimony.

3 Q. (BY MS. PIERRE-LOUIS) On October 21st, 2018  
4 you resigned, correct?

13:10:27 5 A. I decided to leave because my life was at  
6 risk. I was the victim of sexual harassment and they  
7 were not doing anything to resolve that issue. And  
8 they even put me under the orders of Jorge who was the  
9 one committing the sexual harassment. So I decided to  
10 leave because this person is dangerous. He is evil  
11 minded and that's why I decided to leave because my  
13:10:56 12 life was at risk being under the orders of harassing  
13 person.

14 MS. PIERRE-LOUIS: Objecting to the  
15 nonresponsive portion of that testimony.

16 Q. (BY MS. PIERRE-LOUIS) Ms. Marquez, nobody  
17 fired you, correct?

13:11:41 18 A. Nobody fired me, but on the other hand nobody  
19 did anything to resolve this issue of what was  
20 happening to me. So I didn't want to leave. I wanted  
21 to continue working there, but I had to leave because  
22 my life was at risk.

23 MS. PIERRE-LOUIS: Objection to the  
13:11:58 24 nonresponsive portion of that testimony.

13:12:51 25 Q. (BY MS. PIERRE-LOUIS) So you stated that

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1 nobody asked you to leave, nobody fired you, you  
2 decided to leave? That's correct?

3 A. Because Jose had put me under the orders of  
13:12:59 4 Jorge who is the harassing person who is doing a lot  
5 of damage to myself. He was harassing me at all times  
6 and I was afraid that he would take retaliation  
7 against me so I decided to leave. Nobody fired me,  
8 but I decided to leave because Jorge had put me under  
9 the orders of Jorge who is the harassing person who is  
10 doing a lot of damage to myself. He was harassing me  
11 at all times and I was afraid that he would take  
12 retaliation against me so I decided to leave. Nobody  
13 fired me, but I decided to leave not because I wanted  
14 to leave, but I had to.

15 MS. PIERRE-LOUIS: I'm also going to  
16 object to the nonresponsive portions of that  
17 testimony.

13:13:31 18 Q. (BY MS. PIERRE-LOUIS) Okay. So your last  
19 day at The Car Wash Zone was on or about October 21st,  
20 2018, correct?

13:13:54 21 A. Yes. 20th of October because on the 21st I  
22 spoke with Jose and that day I didn't work anymore.

23 Q. So October 21st, 2018 is the day she quit --  
24 I'm sorry, Ms. Marquez, October 21st, 2018 was the day  
25 she quit, correct?

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13:14:47 1 A. No, I did not quit. I decided to leave  
2 because Jose told me if I wanted to continue working  
13:15:00 3 there it had to be under Jorge's orders. And if I  
4 wanted to continue and I didn't like that then I could  
5 leave. That's why I decided to leave.

6 MS. PIERRE-LOUIS: Object to the  
7 nonresponsive portions of that testimony.

8 Q. (BY MS. PIERRE-LOUIS) So your last day  
9 associating with The Car Wash Zone was October 21st,  
10 2018, correct?

13:16:06 11 A. I worked up to that day because I didn't feel  
12 good anymore. I was the victim of sexual harassment,  
13 and it's not -- I didn't want to quit my job. I  
14 didn't want to leave, but due to the circumstances and  
15 the fact that they were not doing anything to solve  
16 the issue I decided to leave.

13:16:30 17 MS. PIERRE-LOUIS: Objection,  
18 nonresponsive. That was not my question.

19 Q. (BY MS. PIERRE-LOUIS) My question is --  
20 okay. I'll ask it very simply.

21 What was your last day of employment with  
22 The Car Wash Zone?

13:16:58 23 A. The 20th of October.

24 Q. Okay.

25 MS. GIBSON: And, Kristina, I mean, I'm

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1 just trying to help. I think she was trying to  
2 distinguish just between, like, the last day she was  
3 physically working versus just coming into to talk to  
4 Jose on the 21st.

5 MS. PIERRE-LOUIS: Okay.

6 MS. GIBSON: I just feel like that's  
7 where y'all were getting crossways. Anyway...

13:17:29 8 Q. (BY MS. PIERRE-LOUIS) Sorry. Just give me  
9 one second.

10 **It's correct that you resigned for**  
11 **whatever reason before The Car Wash Zone could conduct**  
12 **an investigation into your allegations, correct?**

13:19:39 13 A. I did not resign. I had to. It's not that I  
14 resigned because I wanted to. They forced me to leave  
15 because my life was at risk. They had time to solve  
16 the problem and they didn't do anything. They didn't  
17 believe in me they even laughed at me and they didn't  
18 believe me. Jose told me that he was not going to do  
19 anything and that he was not going to fire Jorge. He  
20 was not going to remove him from his position. If I  
21 wanted to continue working with him, he would be my  
22 supervisor, and if I didn't want to, I could leave.  
23 They had time to do something. They didn't do  
24 anything. Still they haven't done anything. They  
25 didn't believe my testimony. They even called me a

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1 | **liar.**

2 MS. PIERRE-LOUIS: Objection,  
3 nonresponsive.

4 Q. (BY MS. PIERRE-LOUIS) That was not my  
5 question. I asked you, Ms. Marquez, you left Car Wash  
6 Zone before Car Wash Zone could do an investigation?

7 MS. GIBSON: Object to form, but you can  
8 answer.

9 A. They didn't believe me back then that Jorge  
10 had been with me that night.

11 believe me. They mocked me. Jose even laughed at me  
12 and thought it was funny. He didn't do anything at  
13 that time and so they wouldn't do anything. They have  
14 not done anything so far. They had a lot of time to  
15 solve this issue. They didn't want to do anything.  
16 That's the reason why I decided to leave because my  
17 life was at risk. Jose would have told Jorge what I  
18 said and Jorge would have retaliated against me. He  
19 was -- he is a dangerous person. He was a gang  
20 member. He has no brains, and he is capable of  
21 hurting people, even killing other people. They a lot  
22 of time to do something. They didn't do anything up  
23 to this day.

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1 Q. (BY MS. PIERRE-LOUIS) You've already  
2 testified, Ms. Marquez, that your last day working at  
3 The Car Wash Zone was October 20th, 2018; is that  
4 correct?

13:23:49 5 A. Yes, I worked there until that day.

6 Q. So you don't know what happened at The Car  
13:23:58 7 Wash Zone after you stopped working there; is that  
8 correct?

9 A. Obviously I don't know what they did, but in  
10 my case they didn't do anything. They didn't believe  
11 what I told them. They have a criminal there and they  
12 are defending a person who is capable of committing  
13 any sort of crime, even hurting other people. Up to  
14 this date, they haven't resolved the issue.

15 MS. PIERRE-LOUIS: I'm going to object to  
16 the nonresponsive portions of that testimony.

17 Q. (BY MS. PIERRE-LOUIS) So you testified you  
18 don't know what happened at The Car Wash Zone after  
19 your last day of working there, correct?

20 A. I don't know what happened at that place  
21 because I was not there anymore. I was not being  
22 harassed by anyone anymore. I don't know what  
23 happened at that job.

24 MS. PIERRE-LOUIS: I'm objecting to the  
25 nonresponsive portions of that testimony.

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1 Q. (BY MS. PIERRE-LOUIS) You previously  
2 testified that Car Wash Zone had a long time to do  
3 something about Jorge after you reported the  
4 harassment of Jorge, however your last day was the  
13:26:22 5 same day you reported that harassment; is that  
6 correct?

7 MS. GIBSON: Object to form, but you can  
13:26:52 8 answer.

9 A. The last day when I left it was because my  
13:27:27 10 life was at risk. I was working at the same location  
11 of the person who was harassing me. I was the victim.  
12 I didn't receive any support. They didn't do anything  
13 back then and up to this date they haven't done  
14 anything.

15 MS. PIERRE-LOUIS: Objection,  
13:27:56 16 nonresponsive.

17 A. They are providing -- giving credibility to  
18 Jorge, a guy who was one step to rape, and they didn't  
19 do anything to solve the problem. They are giving  
20 credibility to a guy like that, to Jorge.

21 MS. PIERRE-LOUIS: Objection,  
22 nonresponsive.

13:28:29 23 I think we should take a little break.  
24 Five minutes?

25 MS. GIBSON: Sure. Before we go off the

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1 record, Kristina, I think some of the confusion here  
2 is she does know what y'all did after work because she  
3 has seen what you've said to the EEOC or she at least  
4 knows what they claim.

5 MS. PIERRE-LOUIS: I was going to get to  
6 that, but, I mean, she said the day that she quit they  
7 laughed at her.

8 MS. GIBSON: That's true.

9 MS. PIERRE-LOUIS: But then she said they  
10 had all this time to do something, but she quit so how  
11 does she know what they did.

12 MS. GIBSON: Because she knows what y'all  
13 told the EEOC. That's where all this stuff is coming  
14 from about they haven't done anything through today.  
15 I just think that's where y'all are getting a  
16 disconnect.

17 MS. PIERRE-LOUIS: Okay.

18 MS. GIBSON: So, yeah, she knows what  
19 y'all claim to have done.

20 MS. PIERRE-LOUIS: Okay.

21 MS. GIBSON: So that's where they've had  
22 a long time and they've done nothing to this day,  
23 that's where that's coming from.

24 MS. PIERRE-LOUIS: Okay.

25 MS. GIBSON: Take a break, five minutes?

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1 Car Wash's Zone's investigate found, you can't say  
2 today that The Car Wash Zone did not conduct an  
13:44:45 3 investigation into your allegations; is that correct?

4 A. At that time, they had an enough time to  
13:46:25 5 solve the problem and they didn't solve it. I think  
6 that there is no company who would like to have  
7 someone like that with them, the person who has been  
8 accused of sexual harassment. I think that there is  
9 no company who would like to have someone like that  
10 with them with that kind of background, and they are  
11 continuing protecting him, defending Jorge. When he  
12 did this harassment towards me, he physically touched  
13 me and he damaged me emotionally because that's  
14 humiliating. It is terrible to be a victim of sexual  
15 harassment. And they haven't -- they are not  
16 believing in my words, my testimony. They are not  
17 giving any merit to them and even though this guy  
18 Jorge is a dangerous person.

19 MS. PIERRE-LOUIS: Objection,  
20 nonresponsive.

13:47:26 21 I think we need to take another break.  
13:47:31 22 Amy, can I talk to you?

23 MS. GIBSON: Yeah. Do you want to go off  
24 the record or on the record?

25 MS. PIERRE-LOUIS: Off the record.

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1 anything.

2 MS. PIERRE-LOUIS: Objection,  
3 nonresponsive.

4 Q. (BY MS. PIERRE-LOUIS) My question is, do you  
5 have personal knowledge, you yourself know, what The  
6 Car Wash Zone did after you left The Car Wash Zone?

7 MS. GIBSON: Object to instructing the  
8 witness incorrectly. Object to form of the question.

14:20:16 9 You can answer.

10 A. At the time I report that Jorge was doing,  
11 that he was a sexual harasser, Jose said that he was  
12 not going to do anything. At that time, he did not  
13 remove him from his job. He was not removed from the  
14 company. He said that if I wanted to continue working  
15 there, it would be under Jorge's orders. If not I  
16 could leave. So I decided to leave and so far they  
17 haven't done anything on my case and they have  
18 believed a criminal like him and they haven't done  
19 anything to solve the sexual harassment being me the  
14:21:28 20 victim of that sexual harassment by Jorge.

21 Q. (BY MS. PIERRE-LOUIS) All right. Ms.  
22 Marquez, so you allege you know they didn't do  
23 anything, but you've also testified that you stopped  
24 working there October 20th. So what's the basis for  
25 your personal knowledge that you actually know that

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1 they didn't investigate, they didn't do anything after  
2 you already admit that you stopped working there?  
3 What's the basis for your personal knowledge to say  
14:22:24 4 that?

5 MS. GIBSON: Object to the form of the  
14:22:56 6 question. Object to counsel inserting affirmative  
14:23:00 7 statements before the question. You can answer.

8 A. I never said that I don't know what they did.  
9 What I know is what I experienced personally, but the  
14:24:30 10 truth my testimony I know what Jose told me. When I  
11 decided to leave, he laughed at me. When I reported  
12 Jorge's sexual harassment of him having his penis  
13 hard, he laughed at me. He mocked at my testimony, at  
14 myself. It was humiliating. At that time, they  
14:24:56 15 didn't do anything. Up to this day they haven't done  
16 anything otherwise we wouldn't be here still arguing  
17 on whether he is a dangerous person or not. They  
18 haven't done anything up to today.

19 MS. PIERRE-LOUIS: Objection,  
20 nonresponsive.

21 Q. (BY MS. PIERRE-LOUIS) I want to shift to  
22 talking about some of the discovery requests  
23 defendants had in this lawsuit. Give me a second.  
14:25:28 24 I'm going to share my screen once I get this up.

25 MS. GIBSON: By the way, Kristina, I

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1 instruction -- the attorney's instruction was about  
2 the workplace.

3 THE WITNESS: Okay.

14:53:00 4 Q. (BY MS. PIERRE-LOUIS) I just want to  
5 clarify. After you left The Car Wash Zone, you were  
6 employed as an electrician; is that correct?

14:53:29 7 A. After I left Car Wash Zone, I entered and  
8 started working at a stadium. Once I left the stadium  
9 because they closed because of the pandemic, I started  
14:53:55 10 working as an electrician.

11 Q. I'm not asking where you work currently, but  
12 are you currently employed as an electrician?

13 A. Yes, I am working as an electrician.

14 Q. Are you working there full time or part time?

15 A. Full time.

14:54:46 16 Q. Give me one second.

17 A. Yes.

18 Q. I wanted to discuss the damages alleged in  
14:54:57 19 this case. For any sort of mental anguish damages, do  
20 you have any medical records or therapist records  
14:55:15 21 regarding that?

22 A. I hold on to the church and to God. I ask  
23 God for help with these mental damages, the emotional  
24 damages. And also I -- what I have done is I go out  
25 to walk on the parks to feel better. I also protected

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1 myself with my children to be able to live alone  
14:56:56 2 despite the damages of the sexual harassment. I tried  
3 to be a better person to heal the pain and I hold on  
4 to God to alleviate the pain.

5 MS. GIBSON: Are you done?

6 THE WITNESS: Yes.

7 MS. GIBSON: That's fair for therapist.

14:57:24 8 We don't have any formal medical therapist, therapy,  
9 or physician records.

10 MS. PIERRE-LOUIS: And just to clarify,  
11 there is no lost wages being claimed in this case,  
12 correct?

13 MS. GIBSON: Is someone asking me? That  
14 is true. I didn't see where that came from.

15 MS. PIERRE-LOUIS: Sorry. That was from  
16 me.

17 MS. GIBSON: Are you asking me? That's  
18 correct. No back pay, no front pay claims.

19 MS. PIERRE-LOUIS: Can we take another  
20 ten-minute break?

21 MS. GIBSON: Sure.

15:07:11 22 MS. PIERRE-LOUIS: Thank you.

23 (Recess 2:58 to 3:09.)

24 Q. (BY MS. PIERRE-LOUIS) I know it has been a  
25 long day. I just have a little bit left.

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1 avoid me having to take a break.

15:17:39 2 MS. PIERRE-LOUIS: Sure.

3 MS. GIBSON: Thanks.

4 (Recess 3:17 to 3:34.)

5 Q. (BY MS. PIERRE-LOUIS) Ms. Marquez, you  
6 previously stated that you were going to church to  
7 deal with the harassment that you faced from Jorge  
8 Trejo; is that correct?

15:34:13 9 A. Yes, to alleviate the pain, the suffering  
10 that all of a that caused, the damage, psychological  
15:34:21 11 damage that all of it had caused.

12 Q. Did you speak to anybody specifically at your  
13 church about Jorge Trejo?

14 A. No.

15:34:58 15 MS. PIERRE-LOUIS: And, Amy, I wanted to  
16 go back to the text messages. The first one you said  
17 is between Maria and Raquel and on the record you're  
18 stating that you're withholding that text message  
19 based on work product; is that correct?

20 MS. GIBSON: I mean, that's the fact, but  
21 I don't know that it was responsive to your requests  
22 so...

23 MS. PIERRE-LOUIS: Okay.

15:35:29 24 MS. GIBSON: So when you say withholding,  
25 yeah, it's true we are. It's true we're claiming work

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1 there's no agreement on that, we would have to go item  
15:37:00 2 by item on what you all actually requested.

3 MS. PIERRE-LOUIS: Okay. I pass the  
4 witness, but reserve my right to redepouse based on  
5 instructions not to answer, withholding of any  
6 evidence, and nonresponsive testimony given today.

7 **EXAMINATION**

8 **BY MS. GIBSON:**

9 Q. So I have some questions for you, Maria.

10 A. Okay.

11 Q. Just so you know, I disagree when Kristina  
12 says you are being nonresponsive.

13 A. Okay.

14 Q. **What department or area did Car Wash Zone**  
15 **have Jorge manage?**

16 MS. PIERRE-LOUIS: Objection, form.

15:37:51 17 A. **The details area where I was working at.**

18 MS. PIERRE-LOUIS: Audra, I just want to  
19 make sure that my objection to form was taken down.

20 THE REPORTER: Yes.

21 MS. PIERRE-LOUIS: Thank you.

22 Q. (BY MS. GIBSON) How was The Car Wash Zone  
15:38:58 23 divided as far as departments? How many departments  
24 were there?

25 MS. PIERRE-LOUIS: Objection, form.

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15:40:18 1 A. There was -- in front there were the offices,  
2 in the middle there was the tunnel where the car wash  
3 was done, and then to the right there were the  
15:40:28 4 cashiers where they collected the money and where the  
5 clients came in. That's where Brian and Jorge were  
6 working at the beginning when they joined the company.  
7 And to the left there was my department, details of  
8 the cars, and the drying and shining of tires. And  
9 then a little bit further to the front end, there was  
10 a room where the clients waited for their cars and  
15:40:57 11 there was another room where we used to eat. And in  
12 the middle of the entire building, there was another  
13 room where they had the chemicals and the laundry  
15:41:23 14 room. It was a very enclosed room.

15 Q. (BY MS. GIBSON) I know you said Jorge was  
16 manager over the entire car detail department. Were  
17 there any other managers at his level present at The  
15:42:18 18 Car Wash Zone?

19 MS. PIERRE-LOUIS: Objection, form.

20 A. There was Jose as well. He was the general  
21 manager, but he was not with us. The one who was with  
22 us all the time was Jorge. Jose was only in the  
23 offices or outside the building, outside the work  
15:42:37 24 site.

25 Q. (BY MS. GIBSON) Although your job duties did

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1 not change while you were there, Jorge could order you  
2 to do different duties; is that right?

3 MS. PIERRE-LOUIS: Objection, form.

15:43:00 4 Objection, leading.

15:43:58 5 A. Yes, Jorge will send me to clean the offices  
6 several times a day. The last day -- on the last day  
7 he sent me twice to clean the offices so that I  
8 wouldn't get the tips because when I joined this kind  
9 of work, Jose told me that the pay was not that much,  
10 but the tips helped. And it was that -- a very  
15:44:26 11 wealthy area so payment will not -- was not that much,  
12 but tips helped.

13 The dump, the place where we used to dump  
14 the trash was far away from the details location. So  
15 sometimes we had to stay till 8:00 with Jorge and  
16 Brian and he would take advantage of that opportunity  
17 when I went to dump the trash so that he could be  
18 alone with me.

19 Q. (BY MS. GIBSON) So if I understood you  
15:45:25 20 correctly, Jorge could cut your take-home pay because  
21 he could deprive you of tip opportunities?

22 MS. PIERRE-LOUIS: Objection, form.

15:45:39 23 Objection, leading.

24 A. Yes, he cut my tips off by sending me to do  
15:46:28 25 something else that was not detail, that was not car

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1 related because the owners of the cars were the ones  
2 that would give us the tips. So he would send me to  
3 do something else so I wouldn't get the tips.

4 Q. (BY MS. GIBSON) Did Jorge order any men to  
5 go clean the office?

6 MS. PIERRE-LOUIS: Objection, form.

15:46:59 7 MS. GIBSON: Wait. Wait. Wait. Basis?

8 MS. PIERRE-LOUIS: Irrelevant.

9 MS. GIBSON: Okay. That's not a form  
10 objection, but okay.

15:47:11 11 All right. Go ahead.

12 A. No, he did not send any male. He would  
13 always send females to clean the offices, Raquel,  
14 Iris, myself. It was the three of us who would clean  
15 the offices. On that occasion, I was cleaning a car  
16 and was drying it and he said to stop doing that, he  
17 wouldn't let me do that. He -- because he didn't want  
18 me to get the tips so he ordered me to go clean the  
19 office. And I said I would go and do that, clean the  
20 office, but to please let me dry the car. He said,  
21 no, you are not going to dry the car. You go and  
22 clean the offices. He didn't want me to get the tips.  
23 So -- and he said if you don't want to do that, then  
24 you can go home.

25 Q. (BY MS. GIBSON) Did you find -- let me start

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1 over.

2 At The Car Wash Zone, which job was  
3 considered demeaning at all, recleaning an office that  
4 had already been cleaned or detailing cars?

15:49:28 5 MS. PIERRE-LOUIS: Objection, form.

6 A. I was hired to do detailing on the cars, to  
7 clean them, because I was hired to do that job to  
8 clean and detail the cars.

9 Q. (BY MS. GIBSON) Maria, do you know what  
10 demeaning means?

11 A. Yes.

12 Q. At The Car Wash Zone, was it demeaning to  
13 assign the women or punish the women to clean the  
14 office?

15 MS. PIERRE-LOUIS: Objection form.

16 A. Yes, because we -- yes, because we were -- I  
17 don't know why they only put women to clean the  
18 office. It was -- I don't know. There is a word for  
19 that. I don't know. I'm sorry. But, yes, they only  
20 made women clean the offices I think because it was  
21 discriminating against women. I don't know why men  
22 would not clean the offices.

23 Q. (BY MS. GIBSON) Okay. When you say degrade,  
24 do you mean degrading?

25 MS. PIERRE-LOUIS: Object to the form.

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15:52:29 1           A. Yes.

2           Q. (BY MS. GIBSON) All right. Who was it that

3 told you you had to following Jorge's orders?

4           MS. PIERRE-LOUIS: Object to the form of

5 the question.

15:52:57 6           A. Jose said that I had to be under Jorge's

7 orders.

8           Q. (BY MS. GIBSON) At the time you reported

9 sexual harassment and retaliation to Jose, had the

10 harassment become severe?

15:53:13 11           MS. PIERRE-LOUIS: Objection, form.

12           A. Yes, it got even worse when he was assigned

15:54:00 13 manager of that area because he was all the time

14 looking at us at the work area. And that's when this

15 incident happened when he was behind me while I was

16 cleaning the car with an erect penis and he said look

17 what you do to me so that I would turn around and see

15:54:19 18 his penis. Well, besides it got worse. When I

19 reported it to Jose, he said that I was going to

20 continue working under Jorge's orders.

21           Q. (BY MS. GIBSON) Am I correct that you

15:54:58 22 previously described at this point one step before

23 rape, right?

24           MS. PIERRE-LOUIS: Objection, form,

25 leading.

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15:55:41 1 A. Yes, because that was a sexual harassment,  
2 one step before rape and it was something to be  
3 punished. It is not possible that you are defending a  
15:55:59 4 person, A person that was very close to rape.

5 Q. (BY MS. GIBSON) Did you ever have to stay at  
6 work with Jorge so late that it was dark outside?

7 MS. PIERRE-LOUIS: Objection, form.

15:57:05 8 A. Yes, on occasions we have to stay, Rachel,  
9 Iris, and myself with Jorge until 11 -- sorry, 8:00  
10 p.m. And there were some rooms that were really  
11 enclosed, and we were scared of being alone only the  
12 three of us. Sometimes -- I mean always we had to go  
15:57:28 13 and dump the trash that was far away and dark. So he  
14 would have used retaliation against me and everything  
15 would have gotten worse.

16 Q. (BY MS. GIBSON) Had Jorge tried to approach  
17 you in those isolated areas like the trash area  
18 before?

15:57:48 19 MS. PIERRE-LOUIS: Objection, form.

20 A. Yes, always. It was -- he would take  
21 advantage of those places to approach me, to try to  
22 hug me in these kind of areas where we dump the trash,  
23 the place where we eat, the dining room, the tunnel  
24 where we did the car wash and the room that was very  
25 dark with the chemicals and also at the trash area,

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15:59:00 1 that place. He used those places to try to approach  
2 me at all times.

3 Q. (BY MS. GIBSON) And as far as muscles -- as  
4 far as muscles go, who was stronger, you or Jorge?

5 MS. PIERRE-LOUIS: Objection, form.

6 MS. GIBSON: I'm sorry. Wait.

7 Basis?

8 MS. PIERRE-LOUIS: It is ambiguous. Who  
9 is stronger?

10 MS. GIBSON: As far as muscles, yeah.

11 MS. PIERRE-LOUIS: Objection to the form  
12 of the question.

15:59:29 13 MS. GIBSON: Is that your only basis,  
14 ambiguous?

15 MS. PIERRE-LOUIS: Yes.

15:59:34 16 Q. (BY MS. GIBSON) Okay. You can go ahead.

17 A. Well, Jorge is stronger because, well, he's a  
18 man and men are always stronger than women. That's  
19 obvious and logic, but besides that, he by being a  
20 gang member in El Salvador, he had the habits and  
21 dangerous and capable of hurting people to the point  
22 of rape and killing. He was stronger than me.

23 Q. Roughly how often did some sexual harassment  
24 happen at Car Wash Zone? As far as once a month, once  
25 a week? How often?

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1 MS. PIERRE-LOUIS: Objection, form.

2 A. It was the five days of the week he tried to  
3 hug me, two to three times a day, almost every day.  
4 It was frequent, frequent harassment, and he would try  
5 to use any opportunity when I was alone to try to hug  
6 me.

7 Q. (BY MS. GIBSON) And then did Jorge's conduct  
8 get worse over time?

16:02:29 9 MS. PIERRE-LOUIS: Objection, form.

16:03:38 10 A. It was -- well, Jorge's conduct got worse.

11 After that the retaliations against me began, and it  
12 got worse when he became our boss because he was able  
13 to be closer to us at all times. And it got worse  
16:03:58 14 because he felt that he had the power to harass us and  
15 to be freely around us all the times in the details  
16 area. So it got worse to the point that one day when  
17 I was cleaning I was bending to clean the car, he came  
18 behind me with an erect penis and he told me, see what  
19 you do to me because he wanted me to turn around and  
20 see his erectness. It was disgusting because you  
16:04:29 21 could really see his penis through his pants. It got  
22 so bad, so worse, that it was one step before becoming  
23 a rape.

24 Q. (BY MS. GIBSON) Did the sexual harassment  
25 interfere with your ability to do your car wash job?

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1 MS. PIERRE-LOUIS: Objection, form.

16:05:37 2 A. Yes, it interfered with my ability to work  
3 because I was not working well. I was not feeling  
4 okay working. I was scared that one -- at any moment  
5 Jorge would come behind me, try to hug me. My ability  
6 to work was not the same as before. I was in trauma.  
16:05:59 7 I was very scared so my work ability was not the same  
8 as before.

9 Q. (BY MS. GIBSON) Did you do your part to stop  
10 Jorge -- wait. Let me start over.

11 Did you do your part to try to stop Jorge  
12 from sexually harassing you?

13 MS. PIERRE-LOUIS: Objection, form.

16:06:53 14 A. I did my job, my part, trying to stop Jorge  
16:06:58 15 so he wouldn't continue with the sexual harassment,  
16 but they did nothing. I did my part trying to stop  
17 Jorge.

18 Q. (BY MS. GIBSON) In fact, you had switched  
19 jobs once already just to get away from Jorge?

20 MS. PIERRE-LOUIS: Objection, form.

21 Objection, leading.

16:08:09 22 A. Exactly. I had already switched jobs to try  
23 to get away from him. I switched jobs and even though  
24 it was farther away from my house, I switched to  
25 McKinney Car Wash Zone with Jose. I decided to switch

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16:08:29 1 jobs because Jorge was always harassing me so I  
2 changed jobs to avoid him. And I didn't expect Jose  
3 to bring him to this Car Wash Zone and to have sexual  
4 harassment even got worse.

5 Q. (BY MS. GIBSON) Did you initially try to  
6 distance yourself from Jorge at Car Wash Zone?

16:09:47 7 A. I always rejected him, tried to distance as  
8 far as possible from him whenever I saw him trying to  
9 approach to me. Even I hid myself behind Rachel.

16:09:59 10 When I saw that he was getting too close to me, I  
11 tried to distance from him because this man always  
12 tried to hug me. He would ask for hugs and I tried to  
13 be as far as way from possible from him at all times  
14 to prevent his sexual harassment.

16:10:30 15 Q. And did you also tell him, Jorge, this  
16 manager of your department that this was not okay?

17 MS. PIERRE-LOUIS: Objection, form.  
18 Objection, leading.

16:11:25 19 A. I told him that what he was doing was not  
16:11:28 20 okay and I asked him to stop harassing me, to stop  
21 trying to hug me, to stay at a distance from me, but I  
22 didn't want to touch him. I rejected him at all  
23 times. Because of that I started receiving  
24 retaliation against me by not letting me get tips and  
16:11:59 25 sending me back home. I did what I had to do to keep

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1 him away from me, but it was pointless. They didn't  
16:12:25 2 do anything. They didn't believe on my testimony and  
3 they didn't solve the problem.

4 Q. (BY MS. GIBSON) When you worked at Car Wash  
5 Zone, did most of the detailers primarily speak  
6 Spanish?

16:12:53 7 MS. PIERRE-LOUIS: Objection, form.

8 A. We all spoke Spanish. Nobody spoke English.

9 Q. (BY MS. GIBSON) Did anyone tell you-all in  
10 Spanish how to reach the owner if you needed to report  
16:13:15 11 sexual harassment?

12 MS. PIERRE-LOUIS: Objection, form.

13 A. Nobody told us how to report sexual  
14 harassment, and we were not able to communicate with  
15 the owner because we didn't speak English so we

16:13:53 16 couldn't communicate with the owner. The owner would  
17 rarely stop by. If I saw him, maybe was five times  
18 throughout the whole time that I was working there.

16:14:27 19 Usually he would drive by in his truck, but we never  
20 saw him in person or walking around because Jose had  
21 the responsibility of the entire place, of the people  
22 there and of everything that happened there.

23 Q. (BY MS. GIBSON) Did anyone train you all on  
16:14:58 24 sexual harassment?

25 A. Nobody instructed us or trained us on sexual

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1 harassment even though it's very delicate and should  
2 not be happening at your work site. If you want to do  
3 your job right, you shouldn't be -- you should be  
4 respected. We all deserve being respected, but nobody  
16:15:58 5 instructed us or gave us any instructions on what  
6 sexual harassment is.

7 Q. Did anybody provide The Car Wash Zone's  
8 employees with an employee handbook that was in  
9 Spanish?

16:16:16 10 MS. PIERRE-LOUIS: Objection, form.

11 A. Nobody gave us anything, nobody gave us a  
12 handbook, and there were no posters in Spanish  
13 regarding sexual harassment.

14 Q. (BY MS. GIBSON) Kristina showed you a lot of  
15 documents in English today. Do you -- are you able to  
16 read English?

16:16:59 17 MS. PIERRE-LOUIS: Objection, form.

18 A. No.

19 Q. (BY MS. GIBSON) Did Car Wash Zone do its job  
20 to stop Jorge from sexually harassing you and  
21 retaliating against you?

16:17:28 22 MS. PIERRE-LOUIS: Objection, form.

23 A. They did not do anything. They did not do  
24 anything when I reported Jorge being behind me with  
25 his erect penis. They made fun of me. They laughed

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1 at me. They mocked me. They humiliated me. They  
2 didn't do anything back then, and up to this date they  
3 haven't done anything. They haven't resolved the  
4 problem. They did not do anything. They did not  
5 remove Jorge from his job position, and they told me  
16:18:57 6 that if I wanted to continue working there, I should  
7 be under the orders of Jorge. They gave him the  
8 credibility. They did not believe me, but they are  
9 still believing on what he said.

10 Q. (BY MS. GIBSON) And you know what they did  
11 because some of what they said to the EEOC was  
12 translated for you, right?

13 MS. PIERRE-LOUIS: Objection, form.  
14 Objection, leading.

16:20:27 15 A. I know some of what they did and what they  
16:20:30 16 said, what they are saying is that what I'm saying is  
17 not credible. They are not believing on what I said.  
18 They are even saying that I'm lying. They are calling  
19 me a liar. That's the response that they gave that my  
20 words have no validity as if nothing had happened.  
21 They have not solved the problem. They gave  
22 credibility to Jorge. They believed Jorge more than  
16:20:59 23 myself even though I'm the victim of sexual  
24 harassment.

25 THE INTERPRETER: I'm sorry. The

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1 interpreter needs one minute to get my notebook  
2 because I'm running out of paper.

3 MS. GIBSON: Sure. We'll go off the  
4 record so you can do that. We'll wait.

5 THE INTERPRETER: Thank you.

6 (Recess 4:20 to 4:23.)

16:23:16 7 Q. (BY MS. GIBSON) Did you know that the only  
8 witness statement that Car Wash Zone came up with was

16:23:28 9 Jorge?

10 MS. PIERRE-LOUIS: Objection, form.  
11 Objection, leading.

12 A. Yes, the only statement that I saw was  
13 Jorge's.

14 Q. (BY MS. GIBSON) Did you know that they  
15 haven't produced any camera video footage in this  
16 case?

17 MS. PIERRE-LOUIS: Objection, form.

18 MS. GIBSON: Can y'all hear me? Can  
19 y'all hear me?

20 MS. PIERRE-LOUIS: I can hear you.

16:24:27 21 MS. GIBSON: Because I'm frozen on my  
16:24:30 22 end. I think we're getting some end-of-day  
23 interference.

24 MS. PIERRE-LOUIS: Your video is frozen,  
25 but I can hear you okay.

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1 MS. GIBSON: David, will you get the  
2 hardwire ethernet so we can hardwire this up? Sorry  
3 about that.

16:24:56 4 Q. (BY MS. GIBSON) Did you see that --

5 THE INTERPRETER: I'm sorry, Counsel.  
6 The interpreter would like to translate the answer of  
7 the answer.

8 MS. GIBSON: Oh, I'm sorry. I didn't --  
9 I got confused. Go ahead.

10 A. Yes, I knew -- I knew that.

11 Q. (BY MS. GIBSON) Okay. Did you see that Car  
16:25:26 12 Wash Zone accused you of screaming profanities at  
13 Jorge?

14 MS. PIERRE-LOUIS: Objection, form.  
15 Objection, leading.

16 A. Yes.

17 Q. (BY MS. GIBSON) Did you read Jorge's  
18 statement?

19 A. Yes.

16:25:58 20 Q. Did you see that he didn't even -- not even  
21 Jorge ever said that you screamed profanities at him?

16:26:06 22 MS. PIERRE-LOUIS: Objection, form.

23 A. Yes, I saw that he didn't report that I told  
24 him these words, inappropriate words, bad words,  
25 obscene words. I saw that he didn't put that on his

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1 report.

2 Q. (BY MS. GIBSON) Right. He only said  
16:26:58 3 something like what you said to him was insulting to  
4 him?

5 MS. PIERRE-LOUIS: Objection, form.

16:27:04 6 Objection, leading.

7 A. Yes, he said that I insulted him when I told  
8 him that the vacuum cleaner was not working, that the  
9 carpet cleaning machine was not working, and that's  
10 why we had to use the vacuum cleaner. That's what I  
11 told him and that's what he said.12 Q. (BY MS. GIBSON) And even during this lawsuit  
16:28:00 13 when Car Wash Zone sent you the \$~~redacted~~ settlement  
14 offer, what did they call you in that offer? What did  
15 they say about you or your case?

16 MS. PIERRE-LOUIS: Objection, form.

16:28:14 17 Objection, leading.

18 A. They called me a liar. They told me that my  
19 words were not credible. They said that my words had  
20 no validity. They insulted me. They humiliated me by  
21 telling me that my words have no validity and even  
22 though I went through all of this, I suffered through  
23 all of this. I was really damaged because of all of  
16:29:28 24 this situation. This is my truth and what I'm saying  
16:29:42 25 is the truth of what happened. I am not making up all

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1 of this story. Jorge is a dangerous person capable of  
2 hurting others. He sexual harassed me on several  
3 locations.

4 Q. (BY MS. GIBSON) If Car Wash Zone had been  
5 monitoring what was going on in the workplace, would  
16:30:29 6 they have known about the harassment?

7 MS. PIERRE-LOUIS: Objection, form.

16:31:11 8 A. Yes, of course. If they would have been  
9 looking out after the staff and the people working  
10 that they brought to their company to work. They had  
11 cameras all over the car wash. If they would have  
16:31:29 12 monitored the cameras, they would have seen what Jorge  
13 was doing, the behavior of Jorge what he was doing to  
14 me. At all times he was harassing me.

15 Q. (BY MS. GIBSON) And if they had properly  
16 supervised their manager Jorge, would they have known  
17 about the harassment and been able to stop it?

18 MS. PIERRE-LOUIS: Objection, form.

16:32:48 19 A. If they would have been supervising Jorge,  
20 they would have seen his behavior towards me, towards  
16:32:56 21 people in this location, towards myself, and they  
22 would have known, but even so they are providing  
23 credibility to Jorge. They are not believing what I  
24 am saying. They are not believing on my testimony,  
25 and they didn't do anything back then and they are not

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1 **doing anything right now.**

2 Q. (BY MS. GIBSON) On the date you hired your  
3 attorneys, I show that the first hire date was  
4 actually July of 2019.

16:33:28 5 MS. PIERRE-LOUIS: Objection, form.

6 A. Yes.

7 Q. (BY MS. GIBSON) Do you think it would be  
8 helpful to check the date on your agreement for the  
9 correct date?

10 MS. PIERRE-LOUIS: Objection, form.

16:33:58 11 A. Yes, it will be okay to check the agreement.

12 Q. (BY MS. GIBSON) Car Wash Zone's attorney  
13 asked you some questions about our lawsuit filing  
14 called a complaint?

15 A. Yes.

16 Q. Did you know that the complaint is just a  
17 summary of the allegations?

18 MS. PIERRE-LOUIS: Objection, form.

19 A. Yes, I know that it is only a summary in a  
20 few words of everything that happen.

21 Q. (BY MS. GIBSON) Did you know that it is  
22 never meant to state every single fact?

23 MS. PIERRE-LOUIS: Objection, form.

24 A. Yes.

25 Q. (BY MS. GIBSON) **At some point did you feel**

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1 that conditions were so intolerable at Car Wash Zone  
2 that you felt compelled to resign?

16:35:29 3 MS. PIERRE-LOUIS: Objection, form.

4 A. My situation at Car Wash Zone forced me to  
5 resign. I didn't want to leave the company, but I was  
6 forced due to Jorge's sexual harassment and to the  
7 fact that Jose didn't do anything. He said that he  
8 was not going to remove Jorge from his position and  
9 that I would continue working under Jorge's orders.  
10 So I was forced by that because my life was at risk  
11 because I will continue working -- I would have  
12 continued working under Jorge's orders or  
13 instructions.

14 And Jose said that he will communicate to  
15 Jorge the report that I made against him. So I was  
16 scared to continue working there because I had already  
17 suffered retaliation from him, and it would have  
18 gotten worse if I had stayed working there. So I  
19 didn't want to stay there because I didn't want to  
20 continue to wait to be hurt even more. I had already  
21 been hurt so I didn't want to continue being hurt by  
22 him. My life was at risk so that's why I couldn't  
23 stay there.

16:38:29 24 Q. (BY MS. GIBSON) As far as other victims,  
25 didn't an employee come to you and ask about talking

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1 to an attorney because of the way she had been treated  
2 there?

16:38:37 3 MS. PIERRE-LOUIS: Objection, form.

4 A. Yes, there is someone who doesn't want to  
5 speak up because of fear.

6 MS. GIBSON: Okay. Pass the witness. I  
7 may have followup if you have additional questions.

8 MS. PIERRE-LOUIS: I have a few  
16:39:16 9 additional questions.

10 THE WITNESS: Okay. Can I have one  
11 minute? I need to charge my phone, which is running  
12 out of battery.

13 MS. PIERRE-LOUIS: Do you want to take  
14 five minutes?

15 MS. GIBSON: I think she just needs to  
16 hook it up.

16:40:44 17 MS. PIERRE-LOUIS: Oh, okay.

18 THE WITNESS: Yes.

19 EXAMINATION

20 BY MS. PIERRE-LOUIS:

21 Q. Hopefully I don't take up too much more of  
22 your time, Ms. Marquez.

23 You previously testified that the first  
24 time you reported Mr. Jorge Trejo's harassment towards  
16:40:57 25 you was October 20th, 2018, correct?

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1           A. Yes, I did not report that earlier because  
2           Jorge was more important than me at the job, and I was  
16:41:56 3           afraid of losing my job, afraid of retaliation. And  
4           anyway they didn't do anything even when I reported  
5           that Jorge had his direct penis behind me. Even so  
6           they didn't do anything.

7                           MS. PIERRE-LOUIS: Objection to the  
8                           nonresponsive portions of that response.

9           Q. (BY MS. PIERRE-LOUIS) Secondly, while you  
10           were speaking with your attorney, you stated that Jose  
16:42:25 11           was going to report what you said to Jorge; is that  
12           correct?

13           A. Yes, he told me that he was going to talk to  
14           Jorge.

16:42:57 15                           MS. PIERRE-LOUIS: Pass the witness.

16                                   EXAMINATION

17                                   BY MS. GIBSON:

18           Q. Short followup. October 20 was the first  
19           time you reported to people higher up than Jorge,  
20           right?

16:43:33 21           A. Yes, I reported it to the general manager, to  
22           Jose Palacios.

23           Q. But before you did that, the first manager  
24           you reported to was Jorge himself, right?

25                                   MS. PIERRE-LOUIS: Objection, form.

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16:44:25 1 A. I -- well, he was the manager of the area I  
16:44:28 2 was working at. He was the manager of my area. So I  
3 told him that what he was doing was not okay and to  
4 stay away from me. I told him what he was doing was  
5 not okay and tried to keep him as far as way as  
6 possible from me. I told him not to touch me. I told  
16:45:00 7 him to stay away from me and he never got it and he  
8 continued doing it.

9 MS. GIBSON: All right. Subject to  
10 possible followup if there are additional questions,  
11 we'll reserve the remainder of our questions for  
12 trial.

13 MS. PIERRE-LOUIS: We'll reserve the rest  
16:45:25 14 of our questions as well.

15 THE INTERPRETER: The interpreter just  
16 would like to correct herself on something that she  
17 always mentioned or mentioned several times. When she  
18 said with no brains, a person with no brains, the  
19 right expression for that would be with no qualms.

20 THE REPORTER: With what?

21 THE INTERPRETER: Qualms, Q-U-A-L-M-E-S  
22 (sic). So I would like to have that changed. Thank  
16:45:54 23 you.

24 MS. GIBSON: Thank you, everybody. Thank  
25 you, Maria.

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1                   THE REPORTER: So I'm going to send the  
2 read and sign to you, Ms. Gibson?

3                   MS. GIBSON: Actually, I'll have you send  
4 it to Equal Justice Center because I can't translate  
5 anything. So I'll have you send it to Shana Khader.

6                   (Recess 4:45 to 4:47.)

7                   MS. GIBSON: Okay. The parties are going  
8 back on the record to clarify something about an  
9 individual called Raquel and Rachel. The Spanish name  
10 is Raquel with a Q in it. The English translation is  
11 Rachel, but both Rachel and Raquel are the same  
12 person. Is that correct, Kristina?

13                   MS. PIERRE-LOUIS: That's correct.

14                   MS. GIBSON: Is that correct, Ms.  
15 Ramirez, our interpreter?

16                   THE INTERPRETER: Yes, I agree with that.

17                   (Deposition concluded at 4:48 p.m.)

18  
19  
20  
21  
22  
23  
24  
25

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1 STATE OF TEXAS )  
2 COUNTY OF DALLAS )

3 I, Audra B. Paty, Certified Shorthand  
4 Reporter, in and for the State of Texas, certify that  
5 the foregoing deposition of MARIA MARQUEZ was reported  
6 stenographically by me at the time and place  
7 indicated, said witness having been placed under oath  
8 by me; that review was requested pursuant to Federal  
9 Rule of Civil Procedure 30(e)(1); and that the  
10 deposition is a true record of the testimony given by  
11 the witness.

12 I further certify that I am neither counsel  
13 for nor related to any party in this cause and am not  
14 financially interested in its outcome.

15 Given under my hand on this the 22nd day of  
16 March, 2022.

*Audra B. Paty*



17  
18 Audra B. Paty, Certified  
19 Shorthand Reporter No. 5987  
20 Dickman Davenport, Inc.  
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22 4228 North Central Expressway  
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24 Dallas, Texas 75206  
25 214.855.5100 800.445.9548  
e-mail: [abp@dickmandavenport.com](mailto:abp@dickmandavenport.com)  
My commission expires 10-31-22

26 Time used by each party:  
27 MS. PIERRE-LOUIS: 3:34  
28 MS. GIBSON: 1:00  
29

# **Exhibit 4**

## **Certified Translation of Jorge Trejo Statement Submitted to EEOC**



*Certified Translation Services, Worldwide Apostille Services*

Main Office: Southeast Spanish, Inc., 11409 Municipal Center Dr., Box 23002, Knoxville, TN 37933

Oklahoma City: 405-301-8861, Houston: 832-303-9004, Amarillo: 806-223-2734, Fax: 877-470-1177

**American Translators Association [ATA] Member Number: 264123, expires January 2025**

[www.SeSpanish.com](http://www.SeSpanish.com)

October 23, 2022

To whom it may concern:

RE: Certification of Translation of the following document:

- Letter/Affidavit written in Spanish – Stamped and Signed

**Translator's Declaration**

I, Daniel N. Hickman, declare that I understand the Spanish language and the English language; that I hold advanced degrees from the University of Tennessee and Georgetown University in Modern Foreign Languages, and that I am a professional translator; and that, to the best of my knowledge and belief, the statements in the English language in the attached translation, which I have stamped and signed (Translated/Verified by Southeast Spanish, Inc.), have the same meanings as the statements in the Spanish language in the scanned and included document(s), which I have examined, stamped and signed.

According to the United States Citizenship and Immigration Services (USCIS) and the Department of Homeland Security (DHS), the preceding translation statement certifies the above referenced document. For more information, please see the following site: [www.uscis.gov](http://www.uscis.gov).

This document has not been translated by a family member, friend or business associate.

**Translation Certification Statement**

This translation was verified by the following individual:

Daniel N. Hickman, Ph.D. (on behalf of Southeast Spanish, Inc.)

A handwritten signature in blue ink, appearing to read "Daniel N. Hickman".

October 23, 2022

[Signature]

[Date]

I, Jorge Alberto Trejo,

Hereby state that I worked as a supervisor of Ms. Maria Marquez from October 1, 2018

until October 20, 2018, which was the last day that she worked with me. It was a work

relationship. Everything that I ever said to her was about work.

I had many conflicts related to work with her. When I would give her an order to tell her

how to do something, she would verbally insult me. She never liked me to give her orders.

I never had anything to do with her. I never said anything to her about things other than

work. I am not guilty of the accusations she is making. I never touched her.

And the last day that she worked with me was October 20, 2018. She was annoyed

because I gave her an order and she insulted me and so I made the decision to send her

home on October 20, 2018.

[Signature]



Yo Jorge Alberto TRUJO  
ago contar que Trabajé como SUPERVISOR  
de la señora maría marquez  
de octubre 1st, 2018 hasta octubre 20<sup>th</sup> que fue el ULTIMO  
dia que ella dejo de trabajar con mi

Todo fue una relacion RESPECTO al Trabajo  
Todo lo que se le decia a ella era sobre al  
Trabajo

Tube mucho conflictos RESPECTO al trabajo con ella  
cuando le daria una orden o dicsirle como aser las  
cosas ella ~~me insultaba verbalmente~~ nunca queria  
que le diera ordenes.

nunca tube que ver nada relacionada mente con ella  
nunca le dije cosas que fueran fuera de lo del trabajo  
nosos culpable de las acusaciones que ella esta  
asiendo nunca la que

Y el ultimdia de que ella Trabajó con mi fue octubre 20<sup>th</sup>, 2018  
se molesto por que le di una orden y me insulto y tome la  
decicion de mandarla para la casa <sup>at</sup> 2018

Jorge A. Trujo

seSpanish.com  
Southeast  
Spanish, Inc.  
ATA # 264123  
Translated/Verified by:  
Dan Hickman, PhD  
877-374-0095  
ELDORADO 000056

# **Exhibit 5**

## **Car Wash Zone's First Amended Objections and Answers to Interrogatories**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MARIA MARQUEZ, §  
§  
*Plaintiff,* §  
§  
v. § Civil Action No. 3:21-cv-01847-C  
§  
ELDORADO CW INVESTMENTS, LTD. §  
d/b/a THE CAR WASH ZONE, and §  
ECWI, LLC, §  
§  
*Defendants.* §

**DEFENDANT ELDORADO CW INVESTMENTS, LTD. D/B/A/ THE CAR WASH  
ZONE'S FIRST AMENDED OBJECTIONS AND ANSWERS TO PLAINTIFF'S  
FIRST SET OF INTERROGATORIES**

TO: Plaintiff, by and through her attorneys of record, Amy E. Gibson, David L. Wiley, GIBSON WILEY PLLC, 1500 Jackson Street #109, Dallas, Texas 75201-4923; Shana Hope Khader, EQUAL JUSTICE CENTER, 1250 West Mockingbird Lane, Suite 455, Dallas, Texas 75247; and to Caitlin Boehne, EQUAL JUSTICE CENTER, 314 East Highland Mall Boulevard, Suite 401, Austin, Texas 78752.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Eldorado CW Investments, Ltd. d/b/a The Car Wash Zone (“Eldorado”) hereby serves its first amended objections, answers, and responses to Plaintiff Maria Marquez’s (“Plaintiff”) First Set of Interrogatories. Eldorado’s objections, answers, and responses are attached.

Dated: October 3, 2022

Respectfully submitted,

By: /s/ John H. Yoon

Ryan K. McComber  
Texas Bar No. 24041428  
[ryan.mccomber@figdav.com](mailto:ryan.mccomber@figdav.com)  
John H. Yoon  
Texas Bar No. 24125958  
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**FIGARI + DAVENPORT, LLP**  
901 Main Street, Suite 3400  
Dallas, Texas 75202  
(214) 939-2000  
(214) 939-2090 – fax

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2022, a true and correct copy of this document has been served via electronic mail on the following:

Amy E. Gibson  
[amy@gwfirm.com](mailto:amy@gwfirm.com)

David L. Wiley  
[david@gwfirm.com](mailto:david@gwfirm.com)  
GIBSON WILEY PLLC  
1500 Jackson Street #109  
Dallas, Texas 75201-4923

Shana Hope Khader  
[skhader@equaljusticecenter.org](mailto:skhader@equaljusticecenter.org)  
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EQUAL JUSTICE CENTER  
314 East Highland Mall Boulevard, Suite 401  
Austin, Texas 78752

/s/ John H. Yoon

John H. Yoon

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**DEFENDANT ELDORADO CW INVESTMENTS, LTD. D/B/A THE CAR WASH  
ZONE'S FIRST AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF'S  
FIRST SET OF INTERROGATORIES**

Page 2

**Appendix 109**

**ANSWERS TO INTERROGATORIES**

**INTERROGATORY 1:**

Identify the name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that information — that you may use to support your claims or defenses.

**ANSWER:** Eldorado objects to this Interrogatory as being overly broad and vague, and on the grounds that it seeks the addresses and telephone numbers of Eldorado's employees and former employees, which may only be contacted through Eldorado's counsel. Eldorado generally states:

1. Edward Arshouk  
c/o FIGARI + DAVENPORT, LLP  
901 Main Street, Suite 3400  
Dallas, Texas 75202  
214.939.2000

Edward Arshouk has knowledge regarding Eldorado's claims and defenses asserted in this lawsuit.

2. Maria Marquez  
c/o GIBSON WILEY PLLC  
1500 Jackson Street #109  
Dallas, Texas 75201  
213.522.2121

Maria Marquez as the plaintiff in this case presumably has knowledge of her claims asserted in this lawsuit.

3. Jose Palacios  
2420 Keyhole Street  
Irving, Texas 75062

Jose Palacios was Eldorado's employee at the time of the claims at issue and has knowledge of the allegations in this lawsuit.

4. Jorge Trejo  
1400 Noel Road, Apt. 1116  
Dallas, Texas 75240

Jorge Trejo was Eldorado's employee at the time of the claims at issue and has knowledge of the allegations in this lawsuit.

**INTERROGATORY 2:**

Identify all persons you expect to call to testify at trial. This interrogatory includes rebuttal and impeachment witnesses whose testimony may be reasonably anticipated before trial.

**ANSWER:** Eldorado objects to this Interrogatory as being premature and requesting an improper marshalling of evidence. Subject to the foregoing, Eldorado will identify its witnesses pursuant to the deadlines established by the Court and/or the Federal Rules of Civil Procedure. Eldorado generally states: Edward Arshouk, Maria Marquez, Jose Palacios, and Jorge Trejo.

**INTERROGATORY 2[sic]:**

Identify all consulting experts whose mental impressions or opinions have been reviewed by a testifying expert.

**ANSWER:** None.

**INTERROGATORY 3:**

Did Maria properly state your correct legal name in the lawsuit? If the answer is no, state your correct legal name.

**ANSWER:** Eldorado has been properly named in this lawsuit but denies all liability.

**INTERROGATORY 4:**

Without regard to whether you contend liability exists in the lawsuit against any defendant or potential defendant, do you contend that you are a proper defendant in the lawsuit? If not, describe the legal and factual basis for your contention and identify each person you contend is or may be a proper defendant in the lawsuit.

**ANSWER:** See Answer to Interrogatory No. 3.

**INTERROGATORY 5:**

For each person you or Maria has identified in the lawsuit in interrogatory answers, or pleadings identifying fact witnesses, state:

- a. for a natural person, the person's last known (i) home address, (ii) home telephone number, (iii) personal mobile phone number, (iv) personal email address, and (v) employer;
- b. for an entity, the entity's last known (i) business address, (ii) business telephone number, and (iii) business facsimile number. This interrogatory excludes attorneys of record in this lawsuit.

**ANSWER:** Eldorado objects to this Interrogatory as being overly broad and vague, and on the grounds that it seeks the addresses and telephone numbers of Eldorado's employees or former employees, which may only be contacted through Eldorado's counsel. However, to the extent that Eldorado cannot secure their attendance at trial or any requested deposition, Eldorado agrees to provide last known contact information for same. Eldorado generally states:

1. Edward Arshouk  
c/o FIGARI + DAVENPORT, LLP  
901 Main Street, Suite 3400  
Dallas, Texas 75202  
214.939.2000

2. Maria Marquez  
c/o GIBSON WILEY PLLC  
1500 Jackson Street #109  
Dallas, Texas 75201  
213.522.2121
3. Jose Palacios  
2420 Keyhole Street  
Irving, Texas 75062
4. Jorge Trejo  
1400 Noel Road, Apt. 1116  
Dallas, Texas 75240

**INTERROGATORY 6:**

Identify each person who participated or was interviewed in your investigation of Maria's allegations that she was sexually harassed while working for you and briefly state the nature of each such person's participation.

**ANSWER:** Eldorado generally states that it spoke with and/or interviewed the following individuals in connection with Plaintiff's allegations in 2018: Plaintiff; Jose Palacios; and Jorge Trejo.

**INTERROGATORY 7:**

Identify each person who worked for you and reported one or more of the following:

- a. workplace sexual harassment
- b. workplace retaliation.

**ANSWER:** Other than Plaintiff, no one.

**INTERROGATORY 8:**

Identify each person you believed to be female that you employed anytime during the period from January 1, 2017 to the time of trial of this lawsuit.

**ANSWER:** Eldorado objects to this Interrogatory on the basis that it seeks confidential information and/or would improperly infringe upon the privacy rights of Eldorado's former employees and unnecessarily publicize private facts concerning them. Eldorado further objects to this Interrogatory as neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Eldorado further objects that it is over broad and unduly burdensome. Eldorado generally states that Plaintiff identified Raquel Rodriguez as a female employee she worked with in her deposition, and her last known contact information is: 14000 Noel Rd., #1116, Dallas, TX 75240.

**INTERROGATORY 9:**

Identify each person who participated or was interviewed in your investigation into any allegation that Maria screamed profanities while working for you and briefly state the nature of each such person's participation.

**ANSWER:** Eldorado generally states that it spoke with and/or interviewed the following individuals in connection with Plaintiff's allegations in 2018: Plaintiff; Jose Palacios; and Jorge Trejo. *See also* Eldorado's Answer to Interrogatory No. 6.

**INTERROGATORY 10:**

Identify each person who you employed at any time during which you also employed either Maria or Jorge Trejo or both — include in that identification the person's date of hire, date of termination, and job title each held with you.

**ANSWER:** Eldorado objects to this Interrogatory on the basis that it seeks confidential information and/or would improperly infringe upon the privacy rights of Eldorado's former employees and unnecessarily publicize private facts concerning them. Eldorado further objects to this Interrogatory as neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Eldorado further objects that it is over broad and unduly burdensome.

**INTERROGATORY 11:**

Describe any security or surveillance video recording you did at 6501 Eldorado Parkway in McKinney, Texas at any time during which you employed Maria and include in that description the number of cameras used, their general placement around the premises, what areas each was generally intended to view and record, your efforts to preserve and collect such recordings and for any recordings since destroyed explain when and why it was destroyed.

**ANSWER:** None.

# **Exhibit 6**

## **Declaration of Amy Gibson**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Maria Marquez, §  
§  
*Plaintiff*, §  
§  
v. § Civil Action No. 3:21-cv-01847-C  
§  
Eldorado CW Investments, Ltd. §  
d/b/a The Car Wash Zone, and § JURY DEMAND  
ECWI, LLC, §  
§  
*Defendants.* §

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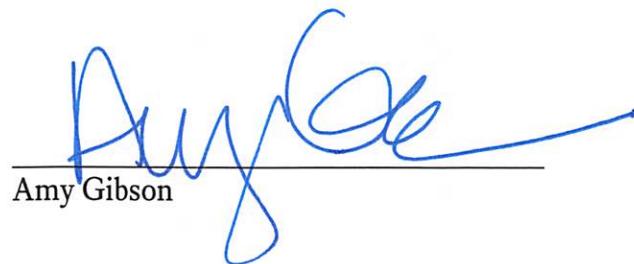
**DECLARATION OF AMY GIBSON**

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1. My name is Amy Elizabeth Gibson. The facts and statements that I make in this declaration are true and accurate. Unless otherwise stated or apparent from my testimony, I have personal knowledge of the facts and statements that I make in this declaration. I do not intend to waive any privilege in making this declaration.
2. I am one of the attorneys who represents Plaintiff Maria Marquez in this lawsuit. I personally worked with different translators to listen to Maria's story and facts that are included in her declaration.
3. After using different translators, I also personally used my iPhone to send and receive text messages with Maria that were translated between English and Spanish. My English texts apparently came to her in Spanish because she could understand what I sent to her via text, and her Spanish texts came to me in English. That iPhone process was used to translate each piece of the declaration to her — so she could take her time reading each paragraph, make corrections, add information, and verify the final before she signed it.

**My name is Amy Elizabeth. My date of birth is December 7, 1968. I declare under penalty of perjury that my testimony above is true and correct.**

Executed in Dallas County, Texas on October 31, 2022.



Amy Gibson